

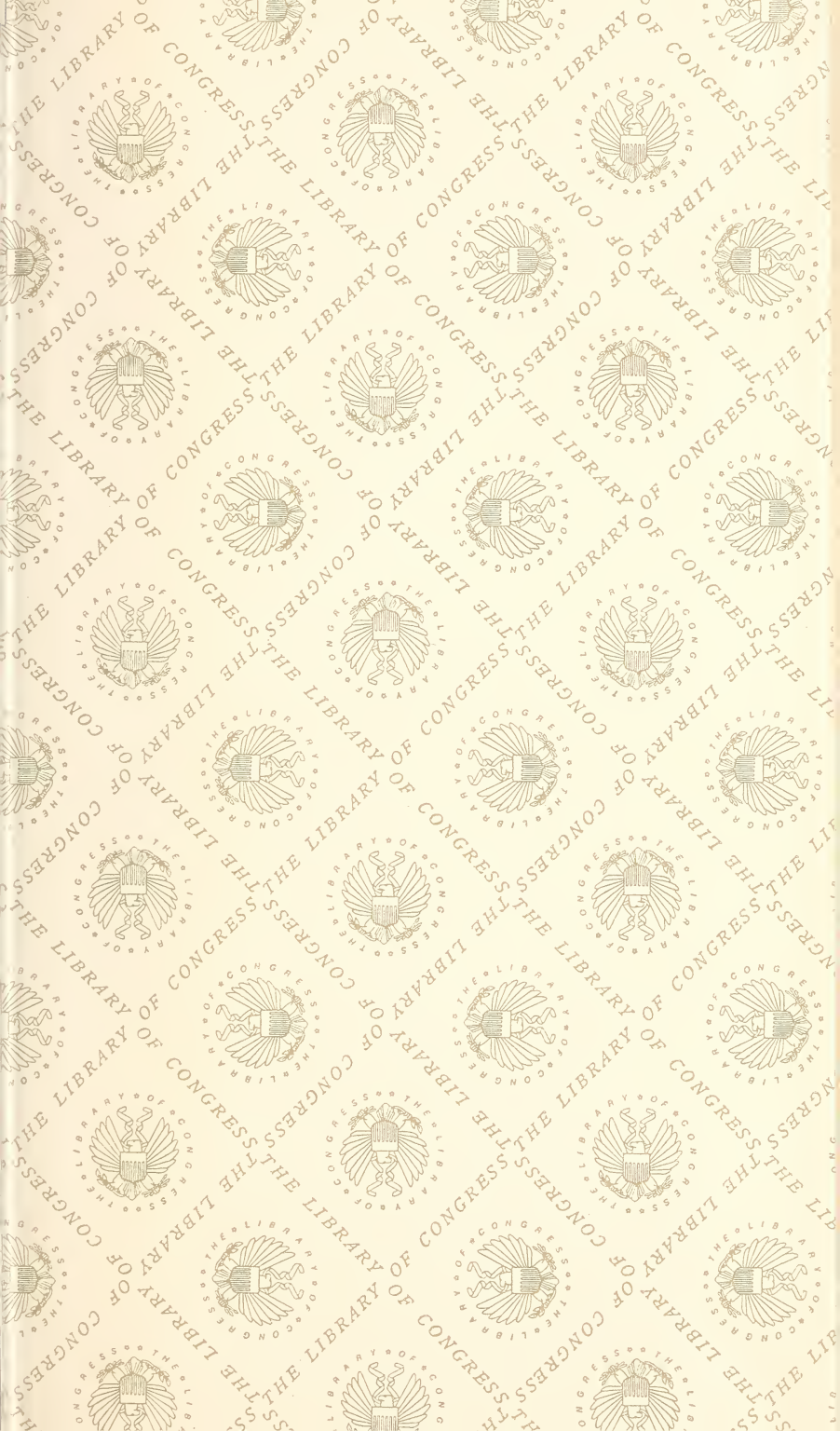
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OFFICIAL CORRESPONDENCE

BETWEEN

DON LUIS DE ONIS,

MINISTER FROM SPAIN TO THE UNITED STATES OF AMERICA,

AND

JOHN QUINCY ADAMS,

SECRETARY OF STATE,

IN RELATION TO

THE FLORIDAS

AND THE

BOUNDARIES OF LOUISIANA,

WITH OTHER MATTERS

In Dispute between the Two Governments.

Spain, Negotiation, &c.

London :

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DOCUMENTS,

&c.

[TRANSLATION.]

*Copy of a Letter from Don Luis de Onís to the Secretary
of State.*

Philadelphia, 9th July, 1817.

SIR,

I am under the necessity of calling your attention, and that of the President, to what has occurred at Baltimore, in relation to the two privateers, or pirates, which have lately entered the Bay of Chesapeake, and now are within the proper limits of the state of Maryland; the one commanded by captain Taylor, and the other by captain Stafford. It is notorious that these privateers, manned and armed in the ports of the Union, sailed on a cruise against the Spanish commerce, and have returned to the waters of Maryland with a part of the plunder and booty they have taken on board of Spanish and Portuguese vessels.

For the due conviction of this outrage, the necessary orders or warrants were sent, at the request of the Consul of his Catholic Majesty in Baltimore, to the marshal of that city, to proceed to the arrest of the aforesaid priva-

teers, and for its execution a gun boat was granted by the collector of the customs. All this, however, was in vain ; the marshal gave no effect to the orders issued for this arrest ; and his Majesty's consul seeing that eight days had passed without the marshal taking a single step to fulfil the orders he was charged with, called upon him and claimed their execution, upon which he replied categorically " that he was unwilling to proceed to the arrest of the said privateers, because it was not his duty to execute it, except they had entered the port of Baltimore, but by no means in the Bay, although within the district of the state." The consul lately applied to the district attorney, complaining of this conduct ; and he acknowledged that indeed it was very extraordinary ; but he took no step to remedy it, or to enforce the observance of the laws of the United States in a case of so scandalous an example. These facts speak for themselves, and the mere statement of them is sufficient to make you and the President thoroughly sensible of the monstrous consequences which the irregular conduct of this marshal may lead to. It is perfectly evident, that the public treaty between Spain and the United States, and the late act of Congress, sanctioned as a general law for the more strict observance of the neutrality of the same states, with foreign powers, are scandalously trampled under foot in Maryland ; and that the marshal, by formally disobeying the lawful authority of the state, and that of the general government of the Union, protected the hostilities and piracies carried on against the trade of a nation, in a state of peace and amity with the United States. I cannot therefore do less than to remonstrate, in the name of the king my master, against so manifest a violation of the neutrality of this republic, of its laws, and of the treaty existing between the two powers, and to request that you will be pleased to obtain of the President the most prompt and effectual orders to cause the marshal of Baltimore to

do his duty and all requisite justice to the subjects of his majesty.

It is my duty also to call your attention and that of the President to the conduct of the adventurer, Sir Gregor M'Gregor, who since he was in arms with the bands of Insurgents in the Province of Venezuela, has come to these states, and been constantly engaged in enterprises to invade or disturb the tranquility of his Catholic Majesty's possessions in that part of the world. He lately recruited in Charleston a great number of adventurers, and among them several persons of note :—viz. one Rouse, son of a colonel of that name, an inhabitant of that city ; one Champion, who was a commissary in the service of the United States in the late war, and store keeper of ordnance ; one Heath, a lawyer of the same place, and many others whose names I pass over. He purchased, under a borrowed name, a brig of considerable burthen, which he dispatched with passengers to New Orleans on the 19th of last month ; and, on the following day, he went on to Savannah in the stage, according to common report, to recruit more people. His subsequent proceedings and hostile preparations in the bosom of this Union, against the possessions of the Spanish Monarchy, are notorious, and announced with a scandalous publicity in many papers of these states. I hope then, that you and the President will apply the energy of your zeal for good order, and the observance of the public laws, by restraining these excesses and vexations, which compromise the neutrality which the President has proposed to preserve in the dispute subsisting between the king my master, and some of his provinces in rebellion, and render null, as you may imagine, the security in which the government of his Catholic Majesty rests, in reliance of the safeguard of the said laws, and on that of the general principles of public good faith, which serve as the basis of the tran-

quility and friendly intercourse between the nations and governments of the world.

I renew, &c.

LUIS DE ONIS.

[TRANSLATION.]

The Chevalier Don Luis de Onis to the Secretary of State.

Washington, 6th Dec. 1817.

SIR,

THE message of the President embraces two particular points in the paragraph in which he announces the actual state of the political relations between Spain and the United States, of which I wish to have a precise and exact knowledge, to reconcile their true meaning with the sincerity and purity of the sentiments of which the American government makes profession, in conformity with those which animate his Catholic Majesty, when he anxiously seeks all possible means of settling the differences pending between the two nations, and of strengthening his friendship and good understanding with the United States on a basis which, being confirmed by the most generous principles of good faith and mutual justice, may be lasting and unalterable, without leaving the seeds of discontent, or ground for fresh differences in future.

The two points I speak of are, 1st. What relates to Amelia Island; and, 2d. What concerns Galvezton. The President announces, in respect to the first, that this island having been taken possession of by a party of people, who belong to no country, or, if they have belonged to any, they have, by their conduct, forfeited all right to

public consideration or toleration ; they having established, in the said island, a place of refuge, scandalous by its piracies, and seriously prejudicial, by a contraband trade, to the United States, chiefly in what regards the clandestine introduction of negroes into the territories of the Union, and the carrying off or flight of others from the same country : his Excellency has, therefore, determined to put a stop to this evil, and had given orders accordingly.

It is my duty to remind you, sir, that the expedition which took possession of Amelia Island, was formed and armed at Charleston and Savannah, under the command of the adventurer Sir Gregor M'Gregor, and wholly composed of citizens of this republic, in violation of the laws of the United States, the law of nations, and the existing treaty between Spain and the said states. I denounced this expedition to you at the time, and invoked the efficacious authority of the federal government to prevent it and punish the offenders. The expedition proceeded, notwithstanding, from the limits and ports of the Union, to invade that island, and there commit the excesses on which the President touches. After M'Gregor had left Amelia Island, the district court of South Carolina issued a Bench Writ to apprehend him wherever he might be found within the American territory. This writ could not, certainly, be issued without a legal evidence of the offence ; nor could the offence be more enormous or more notorious in the face of the whole Union. It results from this, that there could be no just ground of converting into an act of hostility, or of public detriment to Spain, the evils which have flowed from the toleration of similar armaments in the bosom of this Union ; armaments which had for their object the invasion and plunder of the possessions of a friendly power.

I, therefore, request you, sir, to be pleased to inform me of the measures the President may have taken on this point, and of his intentions in relation to it, in order that,

by informing the authorities of the King, in East Florida, thereof, those discontents may be avoided, to which an erroneous conception may give rise, and all unfortunate impressions dissipated, which might disturb the lively and sincere desire of conciliation and perfect harmony which actuates his Catholic Majesty.

On the second point, relating to Galvezton, the President announces, that, in that place, which it is contended falls within the limits of the United States in consequence of the acquisition of Louisiana, a number of vagrant persons had before established themselves, and committed acts of piracy, very prejudicial to the trade of the United States, and that, therefore, his Excellency had also taken measures to correct those abuses.

There are two things which I have to remark on this point; the first is, that the place of Galvezton has not been, nor ever could be, within the limits of Louisiana; because at no time did it make a part of it. It has constantly belonged to the dominions of the crown of Spain, as a territory absolutely unconnected with, and distinct from, Louisiana; and, as such, ought to be maintained and respected, until the United States produce documents which establish their rights, and annul the titles, till now undisputed, of property and possession on the part of Spain, from the earliest times of its discovery and conquest unto the present; and this will be determined as there may be occasion for it, and may be just, at the time of amicably arranging the question of boundaries between the two nations, as his Catholic Majesty sincerely and earnestly desires, and as I have the hope to verify, in a short time, in his royal name, by means of the negotiation which we have established.

The second thing which I have to recal to you is, that the King's troops drove off from Matagorda the vagabond freebooters who had taken possession of that point; in consequence of which, the same adventurers were forced

to evacuate Galvezton, where they had also established themselves ; so that neither of these places was afterwards attacked or infested by them or any other banditti. Moreover, if by the occupation of Galvezton at that time, the United States have sustained injuries, it is notorious that Spain has suffered much greater, by the facility afforded to the pirates in capturing Spanish vessels, carrying them into that place, and there selling them to the citizens of this Union ; that from this magazine of plunder they conveyed the Spanish property to New Orleans and other ports of the United States, in American vessels, as is well known to you, sir, and to all the world. In any event, when the injuries reciprocally caused to American citizens by the government or subjects of Spain, or to the latter by the government or citizens of the United States, are compared and estimated, such an indemnification will be stipulated as is agreeable to justice and good faith.

These remarks, and others equally obvious, cannot fail to convince you, as I am sure they will convince the whole world, that there was not the smallest motive for proceeding to *acts of violence* on either of the two points which form the subject of this note, and on which the President has touched in his message. I hope that the intentions of his Excellency will not differ from this opinion, and as well to avoid the disagreeable consequences which might arise from a misunderstanding, as to communicate to the King my master, the true state of things, I have to request of you, sir, as I now do, a precise and satisfactory explanation on the abovementioned two points, namely, of the measures taken by the President in relation to them, and of his intentions upon the subject. I flatter myself that you will have the goodness to give me the said explanation as speedily as the case requires ; and in the mean time allow me to renew the assurances of my high consideration and respect.

LUIS DE ONIS.

Mr. John Quincy Adams, &c. &c.

[TRANSLATION.]

*The Chevalier Don Luis de Onís to the Secretary of State.**Washington, 10th December, 1817.*

SIR,

Although I have but just arrived at the Federal City, as you know, I would not have lost an instant, after assembling the principal papers and documents, relating to the differences pending between H. C. Majesty's government and that of the United States, in resuming and continuing with you, to a definitive conclusion, the negociation, which, by fortuitous causes, was suspended in the beginning of the present year, if I had not hoped to give you time for being so far disengaged, as to be able to devote to those important concerns, all the attention they require. But I ought no longer to defer, on my part, the necessary steps to open communications of such high interest, and consequently to proceed with you to the settlement and amicable arrangement of all the points in dispute between the two governments.

You will doubtless have been convinced of the impossibility in which I was placed, of commencing this negotiation last winter, by reason of my not being furnished with instructions suitable to the new character which ulterior circumstances had given to it, and my not having then received from my government such as extended to this case. I dispatched the Secretary of this legation to Madrid, to lay this deficiency before my sovereign, and the difficulty under which it placed me, of entering into a negociation which might effectually restore the most perfect harmony between the two powers, by putting an end to all disputes by means of a solemn transaction, which, being founded on the principles of mutual justice, and combined in good faith with those of reciprocal utility and convenience, might be completely satisfactory to both governments and both nations. His Majesty, filled with

the greatest concern, on seeing that, by this unexpected accident, the negociation was delayed, notwithstanding his most sincere and decided wishes to conclude it, and strengthen his friendship and good understanding with the United States, as he had manifested from the moment of his restoration to the throne, gave immediate orders, that the necessary instructions should be communicated to me, for the execution of this sovereign trust in its fullest extent; and, to omit no means on his part, which might accelerate the desired epoch of this arrangement and definitive transaction, he, at the same time, caused to be proposed, by his principal secretary of state, to the minister of the United States at Madrid, a project for the said transaction; but it not having been admitted by that minister, who said that he was not authorised to resume and terminate in Spain the negociation already transferred to Washington, and committed to me; the aforesaid secretary of legation returned without loss of time, and brought me the suitable instructions, accompanied with the positive orders of H. M. that I should omit no means, as far as they might be compatible with justice, and the honour of his august character, to settle and terminate amicably all pending differences, and generously to satisfy the United States in every thing which might depend on the free will of his majesty.

Such are the dispositions of the King, my master, and such the orders which he has communicated to me, anxious as he is to adjust all differences with the United States, and give them solemn proofs of his high esteem and sincere friendship.

I am ready, therefore, to resume the negociation, and to pursue it with you, in all the points embraced by it, until its final close; and I shall be very happy if, in doing so, I can satisfy all the desires and just hopes of the United States.

In consequence, I request, Sir, that you would be

pleased to inform me, when you are ready to enter into this important negociation, and when it will be agreeable to you, that we commence the preliminary conferences; or, in case you should consider them unnecessary, that we discuss the means of agreeing on and fixing the most simple, expeditious and suitable mode of proceeding, with all possible dispatch, to the settlement and final adjustment of all the points in dispute.

I await your answer to this note, animated by the most lively desire and the most flattering hopes, of terminating all disagreements and discontents between the two nations, which, by their mutual interests and the generosity of their sentiments, have always lived in perfect union and friendship, and ought to cement them more and more for their common happiness.

In the mean while, I renew to you my respects, and pray God to preserve you many years.

LUIS DE ONIS.

DEPARTMENT OF STATE,

December 16, 1817.

Don Luis de Onis.

SIR,

I have had the honor of receiving your letter of the tenth instant, and shall be happy to receive you at the office of this department, the day after to-morrow, at one o'clock, to confer with you upon the subject of it. I am instructed by the President on this occasion to assure you of the satisfaction with which he has learnt, that you are furnished with instructions from your government, adequate to the adjustment of all the differences between the two countries, and of the earnestness of his desire that the negociation may terminate in an arrangement mutually satisfactory to both parties.

I am, with very distinguished consideration, &c.

JOHN QUINCY ADAMS.

[TRANSLATION.]

Don Luis de Onis, to the Secretary of State.

Dec 29, 1818

SIR,

After I had informed you in my note of the tenth of this month, and confirmed the same in our conference on the nineteenth, of the frank and friendly dispositions of his Catholic Majesty's government towards that of the United States, of his sincere desire to settle and terminate the differences pending between the two governments, in a manner just and satisfactory to both, and the positive orders I had received, with suitable instructions to that effect, I also acquainted you, that the king, my master, being disposed to oblige the United States in whatever might be compatible with the rights and honor of the monarchy, and the dignity becoming his august character, would condescend to cede the two Floridas to this republic, in consideration of an exchange or an equivalent which might be useful or convenient to Spain. But as this exchange or equivalent must consist of a territory belonging to the United States, and which may offer invariable points, marked by nature, to fix the divisional line between the possessions of the Union, and those of the crown of Spain, in a manner never to admit of doubt or controversy hereafter, His Catholic Majesty caused certain proposals for the said exchange or equivalent, to be made, through his principal secretary of state, to the minister of the United States at Madrid. They were decidedly declined by him, on the ground of their being inadmissible; and I was informed by you that they are so considered by your government, and that consequently it is necessary to have recourse to others which may be admissible in the existing state of things.

Although the proposals made by his majesty's principal secretary of state to the minister of the United States at Madrid, were neither absolute or invariable, it is easy to

perceive that they are founded on the perfect conviction of his majesty, as to the irrefragable and notorious rights, by virtue of which the crown of Spain has possessed both Floridas, since she acquired them of England, and also the provinces and districts of country, possessed by her to the westward of Louisiana, and which have ever been independent of, or absolutely unconnected with and separate from that province, without having ever passed, since their discovery, conquest, and possession, under a foreign dominion. But, as the United States, since their acquisition of Louisiana, conceive they have a right to a greater extent of territory, both to the eastward and westward thereof, by setting on foot a dispute respecting the boundaries, which separate them from the Spanish possessions, and pretending that they ought to include part of those possessions, it is not strange that the exchange or equivalent, proposed for the Floridas, did appear inadmissible. It has therefore become indispensably necessary to free this question of boundaries from all obscurity, and to adjust and establish the true points, which divide or ought to divide the Spanish territories from those of this republic. Unless this inquiry and deliberation be previously made, it is absolutely impossible to point out or judge of a just equivalent, which would be admissible and satisfactory to the two contracting parties, inasmuch as the requisite basis of a cession and its equivalent is wanting. This basis, as is obvious, must be laid in the valuation of the territory specified in the contract, which valuation must be preceded by establishing the territory belonging to Spain, and also that belonging to the United States.

You cannot therefore but agree with me, sir, that it is absolutely necessary we should first settle the principal points relative to the question of boundaries, before we proceed to form and offer proposals for the cession of the Floridas, and for an equivalent to their value or estima-

tion, or for the general and definitive settlement of all pending differences. Although this matter has already been the subject of negociation at Aranjuez, it cannot be said, that the discussion should be considered as terminated or exhausted, or that the American government, having then stated its positions and opinions on the subject, it will not depart from them, although the opinion his Catholic Majesty sustains be different. It is unquestionable that, in the discussion entered into at Aranjuez and early interrupted, not a single point or ground was touched on, on the part of the United States, that could serve as a support to their pretensions; and that, on the part of Spain, there were produced titles, dates, documents, and arguments, incontestibly proving, by abundant and irresistible evidence, the rights of the monarchy to the territory in question; rights founded on property and immemorial possession, acknowledged by different powers, and never disputed by any. This affair is consequently not confined to points of opinion, on which each party may respectively maintain that which is best suited to them; it is reduced to unalterable truths, and to positive and certain facts. I assure you, sir, in the name of my government, and the king, my master, solemnly promises it, on the inviolability of his royal word, that the moment it shall be shown and proved that any of the territories now in dispute, do *not* belong to the crown of Spain, and on the contrary, that they *do* belong to the United States, his majesty will, with the greatest pleasure, surrender to the disposal of the United States such territory or territories, as it shall be made to appear do not belong to the Spanish monarchy, and will, in good faith, acknowledge the right of the United States to the same. His majesty wishes for nothing that is not his own, or to which his crown has not a lawful right. I cannot but believe that the views of your government agree with those I have just stated, and that consequently we ought

to lose no time, in immediately resuming the discussion commenced at Aranjuez, as to what relates to its principal points, and, by impartially examining the grounds established by both governments, and the arguments and proofs which they both have to produce anew, in support of their rights or pretensions, acknowledge frankly and with good faith what belongs lawfully to Spain, and what belongs lawfully to the United States. Guided by the certain principles of reason and of mutual justice, it will be easy for us, by means of this investigation, to form a settled opinion, and come to a just result as to the boundaries which do or ought to separate Louisiana from the Spanish possessions, and thus terminate this dispute. That, which is connected with the question of losses and injuries, is still more simple and easy to arrange, as you admitted, when we conversed on that point in our late conference ; and it will therefore prove no obstacle to our agreeing on the cession desired by the United States, and proceeding to it by means of a final settlement of all pending differences, which may at the same time embrace whatever may be stipulated by this particular agreement.

You may perceive, sir, that the mode I propose is the most simple, just, and proper for accomplishing the negotiation to be entered upon, and is that which was adopted by Mr. Erving, the minister of the United States, in his note of the twenty sixth of August, one thousand eight hundred and sixteen, in which he informed his majesty's government, that he was ready to enter into a full and frank discussion of all the points in dispute, and pledged himself thereto. As nothing further has been done on the part of Spain, than to transfer the negotiation to Washington, the same reasons subsist which then dictated the incontestible propriety and necessity of resuming the discussion ; reasons of which you are doubtless fully convinced, as they are not to be combated by any explanations, when exami-

ned with good faith, because they are self evident and identified with the soundest principles of justice.

As, in consideration of these reasons and principles, I hope you will have no objection to agree to a succinct examination of the question of boundaries, and to a rational and fair enquiry into the titles and grounds on which each government rests its rights and pretensions, the natural order seems to require, that we should begin this examination and enquiry with what relates to the eastern boundaries of Louisiana ; that, after establishing them as they ought to be, we may proceed to examine and to establish, in like manner, those which regard the western ; it being, nevertheless, well understood, that, neither by this act, nor any one whatever of those acts which contribute to produce the present negociation, it shall be inferred, that his Catholic Majesty renounces, in any manner, the right he has or may have to reclaim against the non-fulfilment of the treaty of St. Ildephonso, concluded between Spain and France in the year 1800, and against the solemn stipulations contained in the additional articles of the same treaty, forming an essential part of the contract between the two nations.

The boundaries of Louisiana on that side join those of West Florida, and are so precisely established and fixed by public treaties, that I do not think your government can still persist in the opinion that Louisiana ought to be extended by this Spanish Province to the river Perdido. If, however, the imagination, resorting to specious subtleties and abstractions, carries us back to the period when France formed settlements on the left of the Mississippi, and possessed what are now two distinct provinces, namely, Louisiana and West Florida, still the certain and incontestible fact will follow, that Spain acquired neither of the Floridas from France. That power, while in possession of those territories, as she was until 1763, might name them, and point out their respective limits as she

thought fit. That is quite unimportant to the present question. It is certain, that, by the treaty of 1763, France ceded to England all the territory possessed by her to the eastward of the Mississippi, with the exception of the island of Orleans ; and it is also certain, that England united as her own, from that year, the same territory to Florida, which, by the same treaty, Spain had ceded to her ; and that, having added thereto the district and port of Pensacola, she called it West Florida, by which name, and no other, it has ever since been known.

In the war of 1779, Spain conquered the said territory of West Florida from England ; and this right of conquest was afterwards secured by a solemn treaty between England and Spain, in September, 1783. It is by this title that West Florida belongs, until the present day, to Spain, in addition to East Florida, which was also ceded by the said treaty. It is evident then that Spain neither acquired or received from France either of the Floridas, but that she acquired them both of England in 1783, classed as two distinct provinces, and universally known by the names of West Florida and the East Florida. She has from that period possessed them separate and distinct, without having ever compounded either of them with Louisiana, either in whole or in part. They are laid down distinct and separate in the maps, charts, and geographies of all nations, from the year 1763, to the present day. In all the public acts and instruments which speak of them, they appear distinct and separate, as they do in the different treaties in which they are mentioned.

This being the case, how can your government still maintain its opinion ? The United States acquired Louisiana from France, such as *she* had acquired it from Spain, by the treaty of St. Ildephonso. In this treaty nothing is stipulated but the retrocession of Louisiana ; nor is there a single word in the whole treaty that bears the most distant allusion to West Florida, which is the

object to which the dispute is reduced in that quarter. The clauses of the treaty are clear, precise and conclusive; they fix the sense of the stipulation invariably, and leave no room for vague or specious constructions. The very title given to that treaty by the contracting parties, at once pointed out the territory restored by Spain to France, in exchange for the kingdom of Etruria. The title says, "Retrocession of Louisiana," and the word "retrocession" has not nor ever had any other signification in the Spanish or French language, than the act of restoring to an individual or a nation, that which had before been received from him, or from it; so that a different signification cannot be given to this word (adopted by the contracting parties to express the nature of their stipulation) without changing the proper and genuine acceptation, in both languages, of the definite term they have respectively employed, and without substantially changing the intentions which serve as the basis of the contract.

The three clauses by which they afterwards go on to fulfil this convention, agree perfectly with the said title, and, by supporting and explaining each other, they fix it in a clear and precise manner. The first clause says, "that His Catholic Majesty restores Louisiana to France, with the same extent it had when possessed by Spain." It is well known that no part of the Floridas or other Spanish possessions was then included in Louisiana, or annexed to it. At that time Louisiana was, in the hands of Spain, precisely what it was when ceded by France, in virtue of the treaty of 1764. In the same treaty its eastern boundaries are marked by a line running eastward from Manchac point, thence following the course of the river Iberville and dividing the lakes Borgue, Ponchartrain and Maurepas, and finally terminating at the Gulph of Mexico, without leaving the smallest doubt as to the true points of the frontier. This is the territory which Spain retroceded to France, because it is the only one which she

possessed under the name of Louisiana. The second clause agrees with the first, and opportunely declares and fixes its import. It says, "and with the same extent it had when possessed by France"—expressions, which necessarily refer to the period of time which intervened between the cession by France to England, of the territory possessed by her on the left bank of the Mississippi, and the cession made by the same power to Spain, of Louisiana. As the first of these two cessions took place in the year 1763, and the second in 1764, it is evident, that, during that interval, France possessed Louisiana in the manner stated; and with the same extent did she cede it to Spain—nor could she cede it with more, as she then possessed nothing more in that part of the American continent.

If a different meaning be given to this clause, by supposing that the contracting parties alluded in it to a former period, when France possessed Louisiana jointly with the territory ceded by her to England in 1763, it would place this clause in absolute contradiction with the title, and with the first clause of the treaty of retrocession, because, Louisiana not having, prior to the year 1763, while in the hands of France, the same extent it had when in the hands of Spain, at the time of the treaty of 1800; nor the same that it had when ceded by France to Spain in 1764; it follows that the second clause would be absurd and unmeaning, if it alluded to a period of time anterior to 1763. It would be absurd and unmeaning, because, having no other object than to explain and determine more circumstantially the first clause, which is the fundamental one of the treaty and that which governs the others, it would express a thing which could in no wise agree with the stipulations contained in it, since, by giving greater force to the import of the second clause, that which is considered the fundamental basis of the first would be rendered false and erroneous. It would be absolutely contradictory to the express object and intent of the treaty, since Spain not having

received Louisiana from France with the extent in which she possessed it prior to the year 1763, but with that which it had when it was ceded in 1764, the retrocession, which, as I have just said, is the express object and intent of the treaty, could not take place. Spain could only cede back to France what she had received from her; nor could she, moreover, add to the retrocession any other particular territory of her dominions without expressing or mentioning it. Louisiana was ceded back to France, such as it was received from her, and as she possessed it in 1800, and had possessed it since she had acquired it. In fact, if Louisiana, while in the hands of Spain, included no part of West Florida, and if Spain had received no part thereof, or of the other Florida, from France, how could she cede it back to France, or cede it without naming it, or saying a single word which could allude to this idea? Let us therefore agree, that it is impossible to give an arbitrary construction to the second clause of the treaty of St. Ildephonso, or any other than that which it has and ought to have, in connexion with the first clause, and with the title and the express object of the instrument. You cannot but be fully convinced, Sir, of this truth; and on proceeding to the examination of the third clause, you will find what I have just stated still more comprehensively and clearly demonstrated. This clause says, “and it ought to be after the treaties concluded between Spain and other powers.” The only treaties to which this clause could refer, were the following:—1. That of 1764, by which France ceded Louisiana to Spain. In this treaty the eastern boundaries of Louisiana are marked by the course of the Mississippi, and next by the river Iberville, the lakes Borgue, Ponchartrain and Maurepas. It was consequently proper here to recall what was set forth in this treaty.—2. That of 1783, between Spain and England, by which the latter confirmed to Spain the possession and property of West Florida which she had conquered during the war, and

ceded to her East Florida. It is a very fit moment to recal the inviolability of this treaty, since it is evident from it, that the Floridas are two provinces independent of Louisiana, absolutely unconnected with any distinct from it; and that they came into the possession of Spain by very different titles, in consideration of which one thing cannot be compounded with another. And the 3d is that of 1795, concluded between Spain and the United States. As in this treaty the frontiers between the United States and the Spanish possessions are described, and the Floridas are named as provinces, notoriously unconnected with and distinct from Louisiana; as by it the dismemberment of Natches, Nogales, &c. was effected, and as it is therein stipulated that the navigation of the Mississippi shall be free to the Americans and the Spaniards, and a place granted in favor of the former, for their commodities on the banks of the Mississippi, for which purpose New Orleans was designated, for the term of three years, it was consequently thought proper to refer to this treaty, and show that it, as well as those of 1764 and 1783, are and ought to be in full force and effect.

You will perceive, Sir, that the three clauses stipulating the retrocession of Louisiana to France cannot be more conclusive; that they are properly connected with and support each other, by declaring and explaining the intentions of the contracting parties, and the precise nature and extent of their contract; so that it is impossible to give another interpretation to any of the said clauses, as that would place them in contradiction with each other; and would moreover obscure the evident truth of facts and involve a monstrous violation of public treaties, without excepting that of 1778, between France and the United States. You doubtless bear in mind, Sir, that, by the 6th article of that treaty, France solemnly engages, never to acquire West Florida, or any portion of the territory ceded by her to England, in 1763. How then, could she, in

1800, acquire West Florida, or any part of it, even although the treaty of St. Ildephonso were not specifically and solely confined to the retrocession of Louisiana, such as it was at that time and as it had been since 1764? The understanding rejects all doubt on points so clear and evident. By the treaty of St. Ildephonso France herself only received Louisiana such as it was in the hands of Spain, and as it was after its cession by France. It is well known that it is the act of delivery which completes the contract. France was satisfied with what was delivered to her, and neither claimed nor pretended to any thing more. Would the French government, under Napoleon, have failed to claim this additional territory, if in that treaty there had been found a single word of which it could avail itself, or the smallest pretext for making the claim? Certainly not. France knew perfectly well that Louisiana did not comprehend a greater extent of territory, and that all was delivered that belonged to her at the time the contract was made.

The French government itself, after the dispute arose between the United States and Spain, which is now pending, declared, in two official notes, "that the eastern boundaries of Louisiana are pointed out by the course of the Mississippi, and by the river Iberville, and the Lakes Ponchartrain and Maurepas; that Spain has ceded back nothing more to France, nor had the latter a right to pretend to more; and that having substituted the United States in her rights, they could pretend to nothing more, in virtue of the cession or sale made to them of Louisiana.

"The 12th of Fructidor—12th year.

"The eastern boundaries of Louisiana are pointed out by the course of the Mississippi, and afterwards by the river Iberville, the lakes Ponchartrain and Maurepas. This is the line of demarcation which bounds the territory ceded by Spain to France by the treaty of the 30th of Ventose, 9th year. Nothing beyond this limit could have

been asked for by France, and as she did nothing more than substitute the United States in the right which she had acquired, they cannot require of Spain a more extensive cession, unless such cession be negotiated and stipulated between them and Spain by some further convention.

“ The 5th of Germinal, 13th year.

“ This question could not become the subject of a serious discussion between Spain and the United States, except the conditions of the treaties of cession which have successively transferred Louisiana to France, and to the Americans, were lost sight of.”

“ Spain could only cede back to France the territory she had received from her : the rights of France were afterwards transferred to the United States, and they were so only to the same extent.”

If, notwithstanding this full and irresistible demonstration, you should be of opinion, Sir, that it is still necessary to clear up this point, let us have recourse to France, that she may afford all the explanations that are judged to be necessary or useful, since nothing is more proper than that she and Spain should know to what the treaty concluded at St. Ildephonso is reduced, and they alone are competent to clear up any doubts that may have arisen as to the import of the expressions employed in the said treaty. It is unquestionable that it agrees with the principle generally acknowledged, that when a law or treaty offers any doubt, from the obscurity or ambiguity of the words contained in it, the party which made the law or the treaty, is the one which should explain the meaning of such words, and remove the doubt which has occurred.

I would now proceed to declare what are, or ought to be, the western boundaries of Louisiana, and what are those which separate, or ought to separate it from the Spanish possessions, should I not apprehend to make this note too diffuse : reserving myself, therefore, to discuss this point in a separate note, I now recall to your consi-

deration the chief grounds and arguments on which Spain founds her exclusive right to the whole extent of West Florida, in order that when we are agreed upon this point, we may proceed to a like examination and deliberation on the western boundaries of Louisiana.

But, although this is the order pointed out by reason and justice, in the actual state of the pending differences, nevertheless, that we may judge upon the most exact information of the grounds and arguments of each government respectively, and, after agreeing on what belongs to Spain, and what belongs to the United States, we may be enabled to lay the basis of a general and final settlement of all differences, if you should think that there can be a more expeditious mode of settling and terminating them without prejudicing the inviolable rights of the crown of Spain, and on principles of reciprocal utility and convenience, you may communicate your ideas thereon to me, with the certainty that it is the earnest wish of his Catholic Majesty, that this negotiation may be amicably terminated, for which purpose he has given me decisive orders and instructions : and I again assure you, Sir, that I shall think myself very happy, if, in this negotiation, I can satisfy all the just desires and hopes of the United States, for which, I shall omit nothing that is in my power, or may be compatible with the rights and honour of his Majesty's crown.

I renew to you, Sir, the assurances of my respects, and I pray God to preserve you many years.

LUIS DE ONIS.

[TRANSLATION.]

The chevalier Don Luis de Onís, to the Secretary of State.

Washington, 5th Jan. 1818.

SIR,

In my note of the twenty-ninth of last month I proved to you to a degree of moral demonstration

which I think to be fully convincing, what are and ought to be the eastern boundaries of Louisiana ; and I hope such incontrovertible, decisive reasons cannot fail to bring you fairly to acknowledge that Louisiana neither does nor can include any part of West Florida. As I have not yet received your answer to the said note, it was my intention to wait for it, and not proceed to the examination of the second point of the question of boundaries, before we had agreed on and settled what relates to the first, in order to proceed methodically and not to involve or embarrass the plain and expeditious course of this investigation ; but, being desirous of not losing an instant, in explaining every point relative to so important a matter, I anticipate the examination of the western boundaries of Louisiana, which is the second point of the question, thereby facilitating whatever may claim your attention as to both in their respective order, and enabling you to comprehend the truth at once.

I might contend that the United States having received the province of Louisiana from France, with no greater extent than it had when France received it from Spain in eighteen hundred, and when Spain acquired it from France in seventeen hundred and sixty four, that and no other ought to be the extent which properly belongs to it, without the necessity of recurring to any other reasons or grounds than those resulting from the treaty of St. Ildephonso ; since Spain having ceded back to France in 1800 only what she had received from her in 1764, being that which France sold to the United States, it is easy to investigate and establish what were, and in all that period continued to be, the proper extent and limits of Louisiana ; but I am willing to admit, that France did substitute the United States in all the rights or pretensions she had or could have at another period, as to what regards the western boundaries of that colony when hers, although nothing to that effect is expressed or insinuated in the treaty between France and

the United States, by which the latter acquired it : and that the contrary is evidently to be inferred from the fact, that France inserted, word for word, in this treaty, the conclusive clauses of that of St. Ildephonso, which speak simply and precisely of the *retrocession* of Louisiana. I admit (to go on to a more copious and irresistible demonstration) that the United States have succeeded to all the rights which France may have had at another period ; and I call your attention, Sir, to the following observations, before I enter on the examination of the data or grounds on which the United States rest their claims of extending, in that quarter, the boundaries of Louisiana to the Rio Bravo del Norte.

It is well known, that, for ages before France thought of forming establishments on the Mississippi, and therefore long before she had made any in Canada, the crown of Spain possessed the whole territory around the Gulf of Mexico, from the Peninsula of Ucatan to the southern cape of Florida. If the eastern part of the said Gulph, as far as Panuco, the whole of which was then known under the extensive (generico) *name* of Florida, was not actually peopled by Spaniards, it is notorious and indubitable, that it was discovered by them as early as the year 1511, under the expedition of Juan Ponce de Leon ; that all the coast from the present Florida to Panuco was explored by Francisco de Gary in 1518, and also by Fernando de Soto, and continually by other Spanish commanders until 1561, when it was explored and described by Angel de Villafane and Jorge Ceron ; said discoveries and descriptions having been made in pursuance of royal order issued for that purpose, papers of that description being still extant, and it was confirmed, that, from those remote periods, Spain was established as the mistress and possessor of all that coast and territory ; and that she never permitted foreigners to enter the Gulph of Mexico, nor any of the territories lying around it, having repeated the royal orders by

which she then enforced the said prohibition and charged the Spanish vice-roys and governors with the most strict observance of the same.

The right and dominion of the crown of Spain to the north-west coast of America, as high up as the Californias, is not less certain and indisputable, the Spaniards having explored it as far as the 7th degree, in the expedition under Juan de Fuca in 1592, and in that under the Admiral Fonte, to the 55th degree in 1640.

The dominion of Spain in these vast regions being thus established, and her rights of discovery, conquest and possession being never disputed, she could scarcely possess a property, founded on more respectable principles, whether of the law of nations, of public law, or any others which serve as a basis to such acquisitions, as all the independent kingdoms and states of the earth consist of.

Confining ourselves at present to the Mexican Gulph, and to the Spanish provinces situated to the westward of Louisiana, we shall see in what manner Spain extended her population and founded settlements in different parts of the vast territory, of which she was the mistress and possessor in this part of the new world. All the country extending from the Rio de las Palmas to the confines of Panuco, in latitude 48, was then included under the name of Florida and crossed the Mississippi. From the time of the expeditions undertaken to explore it, in 1512 by Juan Ponce, in 1525 by Vasquez de Ayllon, in 1527 by Panfilo de Narvaez, and in 1538 by Hernando de Soto, the Spaniards were incessantly engaged in advancing their discoveries and settlements in this extensive country, not only in the time of Luis Moscoso, and of Pedro Melendez, between the years 1542 and 1545, but they were constantly so in the time of all their successors. At the time of their first expeditions, they landed in the bays of Santo Rosa and Espiritu Santo or St. Bernardo, surveyed the whole coast, and crossed the Mississippi. They penetrated into

the countries of Hirrhigua, Moscoso, Umbarracuxi, Aurer, Gcali, Apalachue, Atapalia, Cofa Mobilia, Chasquin, Guigate, Ohanpue, Ghachoqua, and others which it would be too tedious to enumerate. The same Hernando de Soto, after having in person surveyed the coast and interior of the country, crossed the Mississippi, and, penetrating as far as the Rio Negro, in 1542, died at Guachoya.

No European nation had yet attempted to disturb the Spaniards in their possessions in the new world; none had trod on any point of those territories, and the Spaniards continued extending their establishments as the only nation which had acquired the possession and the property of that part of the American continent and islands. They gave rise to the new kingdoms of Leon and Santander, in the year 1595, and to the province of Cohaguila in 1600. They founded that of Texas in 1690, establishing missions, hamlets, and posts, under the name of Presidior, such as those of Bahia del Refugio, St. Antonio, Espiritu Santo, St. Juan, Nacogdoches, Ayeses, and San Miguel de los Adacs, a short distance from the Rio Roxo (Red River;) extending themselves to the banks of that river, long before they had established themselves in New Mexico, where they built the capital of Santa Fe, in 39° N. latitude, and opened and worked mines in its neighbourhood. From thence they spread themselves wide of the rivers that empty from north to south into the Missouri, communicating and trading with the Indian nations; so, from that time, Spain considered all the territory lying to the east and north of New Mexico, as far as the Mississippi and Missouri, as her property. These dominions and settlements of the crown of Spain were connected with those which she had on the Gulph of Mexico; that is to say, with those of Florida and the coasts of the province of Texas, which, being on the same gulph, must be acknowledged to belong to Spain, since the whole circumference of the gulph was hers,

which property, incontestibly acquired, she had constantly maintained among her possessions, not because she occupied it throughout its whole extent, which was impossible, but on the principle generally recognized, that the property of a lake or narrow sea, and that of a country however extensive, provided no other power is already established in the interior, is acquired by the occupation of its principal points.

These premises being established and not to be shaken, as they are all supported by history, ancient monuments, tradition, and irrefragable documents, let us proceed to examine, from their origin, the grounds on which your government maintains its pretensions.

As early as the commencement of the seventeenth century, France and England began to form expeditions in imitation of the Spaniards, and to discover points for settlements in that part of America. The French expeditions penetrated into Canada by the River St. Lawrence, and those of the English were directed to different parts of the coast on the Atlantic. Hence originated the basis on which the two nations afterwards founded and extended their respective settlements. I shall now only speak of those made by the French, as they serve as a support to the actual pretensions of the United States. Francis Ribaut, an adventurer of that nation, had already penetrated into Florida with some followers, towards the end of the sixteenth century, and built the fort, called Charles Le Fort ; but this rash enterprize on the territory of the crown of Spain was immediately overthrown and dissipated, the Spanish governor Pedro Melendez having attacked and taken the fort, and made prisoners of Ribaut and all his people. Mention is likewise made by some writers of another Frenchman, called René de Laudonniere, who is said to have landed from the squadron of admiral Coligny on the coast of Florida in the year 1564, and built a Fort which he named Carolin, about the spot

where Pensacola now stands; but the same writers add, that the Spaniards immediately attacked the French, put them to death, and razed the fort or redoubt they had built. Others say that it was on that same fort that the Spaniards afterwards built the fortress of St. Augustin. So vague and so uncertain is the information respecting these particular adventurers. The story related of a Recollect friar, called father Hennepin, is still more ridiculous, who is said to have been made a prisoner by the Indians at the time they were at war with the French of Canada, and taken to the Illinois, whence he was occupied in exploring the country as far as the banks of the river St. Louis, or Mississippi, of which he took possession in the name of Louis the XIV. and gave it the name of Louisiana (doubtless in his secret thoughts and by a mere mental act.) It is added, that this Friar escaped from the Illinois and returned to Canada, where he related all he had seen, and afterwards published it in France more circumstantially in a memoir, which he dedicated to the celebrated Colbert. These accounts and others of the like nature are contemptible in themselves, even although the facts they relate were authentic, since nothing can be inferred from them that can favor the idea stated by those who speak of these transient adventures and incursions.

Let us see what importance can be attached to what is said of Bernard de la Salla, who, in 1679, descended from Canada to the Mississippi, and there built fort *Crevacœur*, according to M. du Pratz, or fort Prudhomme, according to others. What is certain amounts to this, that he only made a rapid incursion from Canada to the Mississippi, as any other adventurer might do, crossing the territories of another nation; that he returned to Quebec without any further result than that of an imperfect exploration of the country; and that he embarked at Quebec for France, from whence he returned in 1684 with an expedition composed of four vessels, commanded by captain

Beaujeu, to explore the mouth of the Mississippi. This expedition entered the Gulph of Mexico, on the 12th of December of the following year. La Salle being deceived in his reckoning by the currents of the gulph, could not find the mouth of the river, and being overtaken by a storm on the coast of the province of Texas, he was obliged to take shelter in the bay of St. Bernard. Two of his vessels were captured by the Spanish cruizers, another was lost in the bay, and Beaujeu returned to France in the only one that escaped. La Salle having landed with some people and ten pieces of artillery, then built a small fort as a protection against the Indians, and was obliged to change his ground three different times; notwithstanding which, the Clancoates Indians inhabiting the adjoining country forced him to abandon the fort, and retreat by the Rio de la Trinidad (Trinity River.) While on this retreat, he formed a project of penetrating into the interior of the country, to see if he could discover the fabulous mines of Santa Barbara, but he was assassinated on his route by his own people; and such was the result of the famous French expedition, so much talked of. The Indians fell immediately on fort St. Louis, and massacred the small garrison left by La Salle. The remainder of the French who accompanied him shared the same fate; being dispersed in different directions after the fall of their chief, they perished by the hands of the Indians.

In the mean time, news of this incursion having reached Mexico, the viceroy, fearful of a repetition of similar attempts, held a council of war, to deliberate on the affair, in obedience to the royal order issued by Philip the 2d, enjoining the extermination of all foreigners who would dare to penetrate into the Gulph of Mexico. An expedition was then resolved on, to be formed at Cohaguila, under the command of Alonzo de Leon, to scour the country, and hunt out the French, if any were still remaining. Having set out with the necessary force, he

arrived on the 22d of April, 1689, at the place where La Salle had built Fort St. Louis, and on the 24th at the entrance of the bay ; where he fell in with the remains of the French vessel that had been wrecked. Having heard in his march that some of La Salle's companions were still wandering about the country, or had taken refuge with the Indians, he shaped his course towards the nation of the Asimais, and was received by them with marks of friendship and respect ; he however found no traces of the French, as no more of them were in existence.

Alonzo de Leon treated the Asimais with the greatest kindness, and called them *Texas*, which in their language signifies "*friends*." On the 22d of May of the same year, he wrote to the viceroy, informing him that there existed neither French, nor any other foreigners in the whole country ; that the Texas Indians professed great attachment and good will to the Spaniards ; and that it would be very proper to establish missions and garrisons throughout that country to prevent any future attempt or incursion of foreigners, and to preserve the conquest. This subject having been deliberated on in Mexico, the mission of St. Francisco de Texas was founded in 1690, after that nation had voluntarily submitted to the crown of Spain. The viceroy of Mexico continued to take effectual measures for protecting the country and preventing the intrusion of any French adventurers. The court of Spain, on being informed of what had passed, renewed rigorous orders to the same effect, and also gave directions for the instruction and government of the Indians. Such were the objects of the expedition under Don Domingo de Teran, and of that which was effected under the command of Don Gregorio Salinas, in May, 1693. Since that period the province of Texas has continued in perfect tranquility under the Spanish govern-

ment, and no further attempts were made by the French to penetrate into any part of it.

You see, Sir, that the excursion of La Salle can give France no right to that province, which had long before been acknowledged to be and was incorporated in the Spanish dominions; such an excursion was in fact nothing more than the rash attempt of a foreigner to explore part of the territories of another nation: and is not substantially different from that made by M. Le Vaillant in the country of the Caffres to the north east of the Cape of Good Hope; by which, however, France acquired no right to that part of the Dutch possessions, although they were still desert when the said Le Vaillant explored them. What territories are there in the world, especially in extensive dominions, still new and thinly peopled, in which excursions of that nature have not been made by individuals of foreign countries, sometimes of neighbouring nations, which is the most common; and sometimes of those, which, although at a distance, actuated either by curiosity or ambition, undertake to explore unknown countries, inhabited by other people and governed by other powers?

Nor can I refrain from recalling here what has been written and thoroughly investigated, touching the pretended settlement of the French in the Illinois and the Arkansas.

Whether they were some of the individuals of La Salle's expedition, who had survived it, as Mr. Du Pratz has it, or whether they were other adventurers from Canada, it seems beyond a doubt, that some Frenchmen did penetrate as far as the Arkansas, towards the end of the 17th century, or the beginning of the 18th, on which point however the records of that period do not exactly agree. Enterprising people from Canada, both Frenchmen and natives, communicated with the Indian tribes, and penetrated far into the interior to purchase cattle and for other purposes of traffic.—Some of them therefore fixed them-

selves at the post of Arkansas, not as settlers, but as agents, to carry on the trade between Canada and the nations of this District. The same took place at the post of the Illinois, long before the first foundation of the French colony of Louisiana was thought of.

Father Marguez, a Jesuit, had penetrated, in 1671, as a missionary, into the Indian nations called Saulteux, as far as Changwanigung, on lake Superior; and in the year following, one Solict, with a view to explore the Mississippi, proceeded from Canada to Changwanigung Point. After joining Father Marguez, they both advanced and succeeded in penetrating to that river, by the Ouisconsin.—They met with a considerable population in the country of the Illinois, at the mouth of the river Moingora; and after promising to visit them on their return, they suggested to those Indians the idea of entering the country by the river since called Illinois; and the Indians did so, and settled in a district known by the Great Rock, or Great Penasco, about five leagues higher up than the mouth of the river. Solict and Father Marguez could descend the Mississippi no further than the Arkansas, and on their return from their excursion, they found the Illinois encamped at the Great Penasco. Solict continued his retreat; and Father Marguez determined to remain with these Indians to instruct them in the principles of the Christian faith. In this attempt he was succeeded by other missionaries, who afterwards proceeded to found a church there, sufficiently regular, composed of Illinois and Canadians, who had met and united with each other: these people were no ways subject to the French government; but lived independent, in the manner of several Indian nations bordering on the United States. Several other Indians of the Miami and Shawnoe tribes came and settled themselves near the Big Rock, or Great Penasco; but they disagreed, and soon after dispersed. A party of the Illinois went down the river and settled at Cahokia, on the left bank of

the Mississippi, 15 or 16 leagues below the mouth of the Illinois. Other missionaries followed them; and thus went on this kind of colony, informal, or wandering, but always independent of, and unconnected with, the French of Canada.

Let us now speak of the settlements of the French, in the country called by them Louisiana. The first spot occupied by them in this country was the Bay of *Biloxi*, about 30 leagues to the eastward of the Mississippi, in the year 1699, or more strictly speaking in 1700; and Mobile, a little farther eastward, where they established themselves, was, during two and twenty years, the capital of their new colony.

From that time they observed the greatest caution in the settlements they formed on the banks of the Mississippi. Seventeen years had passed since the foundation of their colony, when they ventured to raise some huts on the left bank of that river; and this was on the spot now occupied by New Orleans, which five years afterwards became the capital of the colony, when the intimate relations between France and Spain, not only by virtue of the family compact, but more particularly by the elevation of Philip the 5th to the throne of Spain, favored the toleration of a dexterous encroachment on a territory which was acknowledged to belong to that monarchy. In 1722, the French succeeded in fixing some German families on the right bank of the river opposite to the settlements which they already had above and below the new city of Orleans. They afterwards settled some Acadians a little higher up, and finally some others at point Coupee. But the whole limits of these cottages or settlements did not extend to more than 15 or 20 acres of land upon the front of the river; so that the French seeing a want of cattle, and feeling the necessity of establishing herds to keep up a supply, turned their views to the extensive and fertile, prairies of Atacapas; and the governor of Louisiana there-

upon applied to the commandant of the interior provinces of Mexico, for permission to establish some herds only, which was frankly granted to him by the Spanish commandant. In fact they had nothing more than cattle establishments in Atacapas and Opelousas, when the colony was transferred to Spain by the treaty of 1764. They had never gone farther; and it is to the Spaniards that the colony is indebted for the extension, population, and cultivation of that part of the territory afterwards ceded back to France and transferred by her to the United States, as was also the case in the settlement of La Forche, Ovoyells, the Rapids, and Quachita, which did not previously exist, but were formed by the Spaniards within the proper limits of the monarchy.

From hence you will clearly see, Sir, that so far from Spain having retained any point belonging to French Louisiana, when she ceded it back by the treaty of St. Ildephonso, she left incorporated with it many points, settlements and territories, which in truth did not belong nor ever had belonged to the said colony.

It would be too fatiguing to trace step by step all the incursions of the French from Canada or from Louisiana into other points of the Spanish dominions, by passing through Indian nations, or uninhabited countries. I cannot, however, omit touching on the accidental circumstance which gave rise to their settlement at Kaskaskias, 20 leagues below *Cahokia*. The inhabitants of Illinois, who had no connection or dependance whatever on Canada, at length undertook to go down the river, and trade with the French at *Biloxi* and Mobile bay; and these traders having discovered fertile and beautiful prairies on the right of the small river Kaskaskias, several of the French settlers removed thither in the year 1703, and founded what is now the town of Kaskaskias; but they always lived independent and in alliance with the Indians, until the Louisiana Company sent M. de Boisbriant, as

the king's lieutenant, with troops, to reduce and direct this settlement. It was afterwards considerably increased in the hands of the French, who successively formed the settlements of Chartres, St. Philip, Prairie des Roche, and Prairie Dupont; but still, as you perceive, Sir, on the left of the Mississippi; and it was not till several years afterwards, that they settled St. Genevieve, opposite Kaskaskias, on the right of the said river, an inconsiderable settlement, which made no progress until the country was ceded to England.

In fine, all the written documents and historical evidence, relating to French Louisiana, agree in dividing it into Upper and Lower, and proving, that Lower Louisiana is bounded on the north by Bayou Manchac, by which it communicates from the River Mississippi to the Iberville; and that Upper Louisiana commences above the said Bayou, the Post of Natchez being the principal settlement of the French in that quarter, in whose neighbourhood they cultivated tobacco. The settlement of Natchitoches, which they afterwards formed, was considered as depending on Upper Louisiana.

It would be easy to prove that this latter settlement was made by the French within the Spanish territory, and merely through the condescension or suffrance of the Vice-Roys of Mexico, and the Governors of the Province of Texas. Before the French had founded New Orleans, there already existed the Spanish missions and settlements of St. Francisco, La Purisima Concepcion, San Jose, and Na. Sa. de la Guadalupe, at a very short distance from Natchitoches: and the right of property and possession on the part of the crown of Spain to the whole of this territory, as far as the Mississippi, was notorious.

I am aware that the French attacked the missions of Texas during the war between France and Spain under the regency of the Duke of Orleans; that for this purpose they proceeded from the post of Natchitoches, and that

the Spaniards retreated to San Antonio de Berar, until the Governor of the province, the Marquis de Valero, advanced to chastise and keep the enemy in check. This commander marched against them in 1719, drove them from the Spanish posts, and obliged them to shut themselves up in Natchitoches.

This expedition is connected with the authentic facts, of which Mr. du Pratz has made up a ridiculous and fabulous tale, in his History of Louisiana, when he speaks of a Frenchman of the name of St. Dennis, and supposes certain conventions entered into between him and the Duke de Linares, viceroy of Mexico. In 1715, St. Dennis penetrated from Mobile to the Spanish garrison of San Juan Baurista, with three companions and a passport, on pretence of going to buy cattle in the missions of Texas, but in reality to carry on a contraband trade, and explore the country. Both he and his companions were seized and conveyed to Mexico. After a variety of adventures, St. Dennis made his escape, and was one of those who set out from Natchitoches with other Frenchmen, to attack the inhabitants of Texas, as I before stated.

After this event, the Marquis de Agnayo came to Texas, re-established the old missions, and founded new ones, viz : Tilar, Adaes, Loreto at the bay of Espiritu Santo or St. Bernard, and Dolores, known by the name of Orquizaco ; he greatly improved San Antonio de Bexas, and placed the whole frontier of the province in a respectable state. Thus, the Spanish settlements remained tranquil until Louisiana was ceded to Spain, when the garrisons of Adaes and Orquizaco were suppressed, as being no longer necessary.

As a further proof that the post of Natchitoches was acknowledged, even by the French, as being within the Spanish territory, I shall add two facts : The first is, that when Captain Don Domingo Ramon came with a party to Texas, after St. Dennis and his followers were sent to Mexico, he paid a friendly visit to the French at Natchi-

tochez, and entered that fort with the Royal Baton and Insignia, as a sign of the dominion and jurisdiction of Spain, to which the French made no opposition. The second fact is, that in the year 1742, the French Governor of Natchitoches, being desirous to remove that fort, which had been injured by an inundation, somewhat further from the bank of the Rio Roxo (the Red River) he waited on the Spanish Governor of the Adaes, Don Manuao de Sandoval, and requested the necessary permission to do so. Sandoval granted it, as the site to which he wished to remove it, was no farther than a musket shot from its former situation. Notwithstanding, the Vice Roy of Mexico on being informed of this act of accommodation, highly disapproved it, and dispatched Colonel Don Francisco de Brito to Adaes to supercede Governor Sandoval, and bring him under guard to Mexico, to be tried there before a Court Martial; which was carried into effect with all the vigor of the law.

It is unquestionable, from the historical series of facts and the most unexceptionable documents, that the province of Texas extended to the Mississippi, and that the French never crossed the river into that district, but through the sufferance or permission of the Spanish governors; and that in consequence of the former abusing the generosity with which they were permitted to trade with the Indians of that territory, and to hold, for that purpose only, the posts of Natchez and Natchitoches, positive orders were issued to drive the French from the whole district and destroy the said posts. The Spanish commandant advanced with a sufficient force to execute those orders; but he acceded to the proposals of the French at Natchitoches, which were confined to these, *that Arroyo Hondo, which is mid-way between Natchitoches and Adaes, should be considered as the dividing line, until the determination of the two courts.* In this state things remained without further change, and so continu-

ed until the cession of Louisiana to Spain relieved those provinces of Spanish America from all embarrassment and trouble from the French. But it always was an undeniable fact, established by irresistible titles and documents, that the French neither held, nor had held, to the westward of the Mississippi in 1719, any other post than Natchitoches, which they held merely by the condescension of Spain; and that the Spanish settlement of Adaes, only five leagues distant from the Rio Roxo (Red River) existed much earlier, and did so exist until Louisiana was transferred to Spain. The parochial records of Nacogdoches and Adaes, with the registers of births, baptisms, and deaths, attest it still more circumstantially, as well as the proceedings of the pastoral visits made in 1705, by Don Primo Feliciano Marin, bishop of the new kingdom of Leon, who visited the district of Adaes and the whole province of Texas.

The rights which Spain always had to all the territories to the North and East of New Mexico, as far as the right bank of the Mississippi and the Missouri, is proved with equal certainty. All these territories, and the different branches, falls, and waters of the Mississippi, were always comprehended within the line of the Spanish dominion in that part of America from the earliest periods of its discovery and conquest. Although the French penetrated several times from Mobile and Biloxi, to different parts of that line, they never acquired any right to them. Their excursions were confined to trading, or smuggling, or exploring the country. The huts or posts, which they had in some Indian nations, were trifling establishments, clandestine and precarious, which they were unable to preserve. The Spaniards had traded much earlier than the French with all these Indian nations; with the Missouris, extending along the river of that name; the Padoncas, beyond the River La Platte, and still farther to the north west, with the Latanes, and final-

ly with several others, as being within the dominions of the crown of Spain.

The French themselves never disputed the rights of the Spaniards to possession and property, nor laid claim to these parts of the territories of the Spanish monarchy. The court of France always took the greatest care not to injure the rights of Spain, on all occasions of making grants of land within her settlement of Louisiana; and the French settlers at all times carefully respected the right bank of the Mississippi, throughout its whole extent, as the well known property of Spain. No memorial can be found declaratory of a contrary opinion, except a decree of Louis the fourteenth, dated at Fontainebleau, on the 14th September, 1712, in favor of M. Crozat, ceding to him and the company formed by him, the French settlement of Louisiana, with an ideal and vague demarcation of boundaries, by extending them mentally to New Mexico, and the English province of Carolina, and along the Mississippi from the sea to the Illinois, &c. It is evident, that the court of France did not then possess any knowledge of the geography of that country, or that New Mexico was considered as bordering on the Mississippi; notwithstanding Louis the fourteenth had carried his liberality so far in that grant as to give the French company even the River Mississippi and the Missouri. He might with equal reason have given that of the Amazons, the La Plata, and Oronoko. You are perfectly aware, Sir, that the expressions of this grant are vague and absurd. They never could alter the fixed limits of French Louisiana, or of the Spanish possessions. The grant of Louis the fourteenth was always considered as the act of a disordered imagination. The Spaniards constantly preserved their dominion over all the right bank of the Mississippi to the Missouri, and over all the territories and waters from the former to the right shore of the latter. Even the French themselves, notwithstanding this famous

grant, never ventured to go beyond the certain and well known limits of their settlement, or violate those of the territory and dominions of the crown of Spain. It is therefore, of no consequence to us, if such a blunder was committed by those who penned the said grant at Fontainebleau. If a document of this nature was sufficient to dispossess a nation of its dominions, or any part of them, what security could there be in any part of the possessions of independent kingdoms and states? Can there be a mind capable of conceiving, that such a paper can fail to be absurd and completely despicable, since it never took effect, has always been resisted as rash and extravagant, and since the incontestable rights of Spain to the property and possession of the said territories, existed then and do still exist? Certainly not.

The court of France was immediately sensible of the extravagance of that grant, as no farther mention was made of it.—On the contrary, when it ceded Louisiana to Spain in 1764, M. Kerlet, who had been many years governor of that province, was ordered to draw up a memoir, containing a description of its proper extent and limits. This memoir, delivered by the Duke of Choiseuil, minister of France, to the Spanish ambassador at Paris, as a supplement to the act of cession of Louisiana, agrees substantially with that which I have just now pointed out. I would carry this demonstration still farther, if I thought it necessary; and I will do so, if you shall have any thing to object to it. In the mean time, I now confine myself to declare to you, Sir, and to the government of the United States, in the name of the king, my master, that although Spain has an original and indisputable right to all the right bank of the Mississippi, his majesty has resolved to claim this right, solely with a view to adhere to the *uti possedetis*, or stated possession, in which the crown of Spain was, when she acquired Louisiana in 1764, and in which that of France was at the time she made the cession.

His majesty paying due respect to all such treaties and conventions, as have caused a change in the state of possession of the two nations in that part of America, religiously confines himself to the express period when Louisiana was circumscribed by the well known extent and boundaries with which it passed into the hands of the United States.

As these boundaries, to the westward of the Mississippi, although always notorious and acknowledged, have not been marked out with the formality necessary to avoid doubts and arbitrary pretensions, and as it is only evident, that they undoubtedly proceed from the Mexican Gulph, by the river Marmenta or Marmentao and Arroyo Hondo, by drawing a line between Natchitoches and Adaes, which crosses the Red River, and extends towards the Missouri, I have done no more than point out the basis for a line of demarcation ; and after we have agreed on this basis, a commission composed of Spaniards and Americans, formally appointed and authorised by their respective governments, can and ought alone to examine and fix the boundaries between the possessions of the two powers, keeping in view the documents exhibited on both sides, and comparing them on the spot with the points to which they refer. The basis I now speak of, as necessary for this demarcation of boundaries, must be sought for precisely in the most marked, leading, and notorious points, which showed the proper direction and extent of the territories of Spain, France, and England, in 1763 and in 1764, since we cannot seek for them in preceeding periods, the possessions of the three powers in this part of the American continent being then very different from what they have been after those periods, in virtue of public treaties, which are, and ought to be, inviolable.

The situation, therefore, of the three powers, until 1763, was as follows : The crown of Spain extended its dominions to the east, over the right side of the Mississippi,

from its mouth to the mouth of the Missouri : and to the north, over the right side of the latter river, from its mouth to its source. Florida, already contracted by the *intrusive establishment* of Louisiana, commenced at the river Perdido, and extending eastward, towards the river Santa Maria, (St. Mary's) included the whole Peninsula, which extends as far as the 23° of south latitude. Its northern boundary was not yet fixed. In addition to the colony of Louisiana, such as I have shown it was, and ought then to be, France possessed the territories of Upper and Lower Canada, extending south to a line running from the river Alivamon, and following the chain of the Alleghanies until it struck above Chaleur Bay. England extended her possessions to the south of the said line, on the coast of the Atlantic, from the river St. Mary to the river St. Croix, and added to those possessions all the territory lying north of the two Canadas, as far as Hudson's Bay and lake Winnopeeg, which had been ceded to her by France, at the peace of 1713.

But France, as you know, Sir, was, by the treaty of 1763, excluded from the continent of North America, with the exception of Louisiana, then reduced to the Island of N. Orleans, and to the tract of country to the north of the Missouri, and extending to the British possessions. By that treaty, she ceded to England both the Canadas, and all that part of Louisiana, extending over the left side of the Mississippi from its source to the Bayou Manchac, and thence following the left of the river Iberville, the lakes Maurepas and Pontchartrain, the coast and islands to the river Perdido. Spain ceded, in like manner, Florida to England, such as I have described it; and in the year 1764, which is the second period when it is necessary to distinguish and fix the basis referred to, she acquired, by cession, from France, her remaining portion of old Louisiana. She afterwards acquired what France had ceded to the English, on the left of the Missis-

ssippi, and Florida also, which she had ceded to them in 1763, as is proved by the treaty of 1783. This treaty, and those of 1763 and 1764, before mentioned, are those which it is necessary to keep in view, together with that of St. Ildephonso, by which Spain ceded back to France what she had received from her; and France accepted the delivery, declaring herself satisfied, and taking possession by virtue of an act of his catholic majesty, which expresses the *retrocession of Louisiana by Spain to France, such as she had received it from France in 1764.*

The treaties between France and the United States, and between the latter and Spain, the first in 1778, and the second in 1780, must likewise be kept in view, to illustrate incontestable rights, and establish unalterable principles. To the treaties just mentioned, your government and his catholic majesty may add all such other titles and documents as may be thought necessary to remove or settle any doubt which may arise in the subject matter, to the end that the basis of a demarcation may be laid down upon a due understanding, and established and fixed with the greatest possible exactness.

You are perfectly aware, Sir, that there can be no other just mode of settling the dispute in relation to the question of boundaries, and that it is the one which has always been adopted by all nations in similar cases; it being the anxious wish of his catholic Majesty that this demarcation may be so accomplished as to leave no room for doubts or controversy in future, by proceeding to it with good faith, and in a manner that may be satisfactory to both parties.

I, therefore, conclude this note with the same opinion I expressed in my former one, namely, that it is indispensable to examine, ascertain, and agree on the points necessary and essential to the establishment of the true boundaries, which separate, or ought to separate, Louisiana from the Spanish dominions; and that this can only be determined by the mode proposed. If you will be pleas-

ed to point out to me any other, which, while it fulfils that object, may be conciliatory and compatible with the rights and honour of the crown of Spain, you may be assured, Sir, that I shall adopt it with pleasure, as I shall thereby further the intentions of my sovereign, which are to terminate as speedily as possible, the disputes now pending, in an amicable manner, so as to leave no spark of disagreement in future.

With these sentiments I have the honour to offer myself to your disposal, and pray God to preserve you many years.

LUIS DE ONIS.

[TRANSLATION.]

The same to the same.

Washington, 30th Jan. 1818.

SIR,

Having stated to you in my notes of the 29th of the last, and 5th of the present month, all that I thought proper and necessary on the subject of boundaries, that we may ascertain, discern, and fix with impartiality, justice, and good faith, those which divide or ought to divide Louisiana from the Spanish possessions, situate to the east and west of that province, acquired from France by the United States; I now proceed to discuss the different points on which your government founds claims against those of his catholic Majesty.

As this matter was sufficiently discussed (*ventilado*) and placed in the strongest light of evidence by the Spanish government, in the notes addressed by it to Mr. Pinkney at Aranjuez, and afterwards to the American commission composed of that gentleman and Mr. Monroe; and also in those which in the last instance were addressed by it to Mr. Erving, at Madrid; I shall resume the subject briefly and precisely, merely touching on the principal points of the dispute, and

showing, with simplicity and clearness, to what the state of the question is reduced, and in what manner it should be fairly and justly arranged.

I divide into two classes the points on which your government demands satisfaction and indemnification of his catholic Majesty. The first comprehends the injuries, losses, and damages, suffered by American citizens from Spanish authorities and subjects, and those suffered by the subjects of the crown of Spain from American authorities and citizens. The second comprehends the losses, damages, and injuries, sustained by American citizens from captures made by French cruizers on the coast of Spain, and condemned by French consuls residing in Spanish ports. To this the whole question of indemnification is reduced.

The points embraced by the first class, are as follows :

1st. The damages and injuries unlawfully caused by Spanish authorities and subjects on American citizens ; and by American authorities and citizens on the subjects of the crown of Spain ; in violation of the law of nations and of the existing treaty, during the war between Spain and Great Britain, which terminated at the peace of 1801. 2dly. Damages and injuries sustained by American citizens, in consequence of the interruption of the place of deposite at New Orleans, by an order of the intendant of the royal treasury of Spain, in the province of Louisiana. 3dly. Injuries, damages, and losses, caused to the citizens of the United States by Spanish authorities and subjects, and by American authorities and citizens to Spanish subjects, directly or indirectly, from the year 1801 until the period when the correspondent convention between the two governments on all the points embraced by the question of the spoliations shall be concluded and signed.

Those which are comprehended in the first point are acknowledged to be evidently founded on justice ; and to carry them into effect, there exists ever since 1802 a

convention stipulated and signed between Spain and the United States. You are aware, Sir, that the suspension of this convention did not originate with his catholic majesty's government. His majesty is ready to give full effect to it; and on the basis of that convention we can establish and agree on what may be most just, suitable, and expeditious, to make a reciprocal satisfaction for the aforesaid injuries and losses, comprehending in the convention, to be stipulated and signed for that purpose, all the injuries and losses, respectively suffered, since 1801 to the present; because these two points only are distinct in point of time, but, as you are perfectly aware, they are, in all other respects, of a like nature, and therefore of equal rights and justice.

The first and third points are consequently to be acknowledged as substantially forming only one, subject to the examination and decision of the joint commission, which is to determine the necessary compensation, in virtue of the convention to be stipulated on the basis of that of 1802.

The second point, namely, that of the suspension of the deposite at New Orleans, might be omitted. You are aware, Sir, that it lasted but a very short time, and in the depth of winter, when the exportation of the produce of the western states was very inconsiderable, and very hazardous and difficult; that, moreover, the order of the intendant produced no other inconvenience to the American citizens than the trifling one of loading in the stream, instead of laying their boats along the quay at New Orleans; and that the said order of the intendant was an arbitrary act, duly disapproved of by his catholic majesty, and for which he directed his minister to give suitable satisfaction to the United States, in his royal name. The United States having received it, this affair ought from that time be considered as terminated.

On the other hand, you cannot but admit that his catho-

lic majesty was not bound to continue the deposite at New Orleans, after the termination of the precise period stipulated by the treaty of 1795, by which his majesty only agreed to designate another spot for the said deposite upon the banks of the Mississippi. As this new spot was to be to the satisfaction of the United States, it was for them to point out and ask for it. The suspension, ordered by the intendant, although highly disapproved by the Spanish government, was in consequence of the scandalous contraband abuse by which, under cover of the deposite, enormous frauds were committed on the royal revenue. By the treaty no provision was made for this case, nor was there any stipulation relative to the time which was to intervene during the removal of the deposite from New Orleans to another spot on the bank of Mississippi, or to the intermediate period between the suspension of the said deposite, and the assigning another situation for it.

The government of Spain was, therefore, not bound to become answerable for the losses and injuries eventually sustained by the short interruption of the deposite, since such obligation could only grow out of the stipulation of that treaty, which does not contain a single word that has the most distant allusion to such an obligation or engagement on the part of his catholic majesty.

Notwithstanding these reasons, and various others which I could adduce, to prove that the government of Spain cannot be bound to make satisfaction for the aforesaid losses and damages, his catholic majesty is disposed to yield to the reclamation of the United States on this point, provided they still insist on it, and to submit it, with the others before spoken of, to the investigation and decision of the joint commission. There will, therefore, be no difficulty, in also including this point, as far as it relates to injuries really caused by the order of the intendant of New Orleans, in the convention to be formed and signed,

if required by you ; it being his catholic majesty's desire to give continued proofs to the United States of his frankness, good faith, and condescension. I now proceed to the claim for losses and injuries committed on citizens of the United States by French cruizers and tribunals, in the capture of American vessels on the coast of Spain, and their condemnation in Spanish ports, forming the object of the second part of this question, or that embracing the points of the second class, in the order of the enumeration I have adopted.

This part of the question was discussed in a very luminous manner, in the notes addressed by his catholic majesty's government to the American ministers on the 10th February and 5th March, 1805 ; and you are aware, that no reply was made on the part of the United States, weakening in the least the force of the principles and the truth of the facts on which the opposition of his catholic majesty to a responsibility for those damages and injuries was grounded. You will agree with me, Sir, that there is no possibility of deciding, by a general rule, the extent of the responsibility of a nation, on whose coasts and ports aggressions have been committed by another, against a third party, as it depends in a great degree on the circumstances of the case, and the particular stipulations binding on nations.

By the treaty between Spain and the United States, the obligation of Spain is reduced to exercise its good offices with the offending party, and to the claims of the party aggrieved. " Each party shall endeavour, (says the treaty,) by all means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land, and shall use all their efforts to recover and cause to be restored to the right owners, their vessels and effects, which may have been taken from them within the extent of their said jurisdic-

tion, whether they are at war or not with the power whose subjects have taken possession of the said effects."

On the part of Spain this has been done ; and if her efforts have not produced the desired effect, the fault does not rest with her. Besides, the injuries done by French privateers on the coasts and in the ports of Spain, to American citizens, have a particular character, which relieves the government of Spain from all obligation to indemnify them for those losses, even although such obligation had existed. The United States were not at war with France ; consequently their recourse, as the aggrieved party, was always open to the government and tribunals of the aggressor. Spain was then in alliance with France, and both were at war with Great Britain. She, therefore, could not prevent the privateers of her ally from entering her ports, as they were not fitted out against the Americans, but against the English. If these privateers, after going on their cruize, committed aggressions on American vessels, on pretence of considering them or their cargoes as English, the Spanish government could neither foresee nor prevent it. The injuries were already done before it was apprised of them. Neither was it in the Spanish ports, where the injury was completed, but in France, by the tribunals of cassation, to which the Americans appealed from the decision of the French consuls residing in the ports of Spain. It was unquestionably in France that the offence and injury originated, and in France were they consummated. How then can indemnification be claimed of Spain for such injuries, and not of France who was the cause of them, and the power enabled to compel the aggressors to make due satisfaction as they were her subjects, and had given the requisite bonds in her courts for their good conduct in their cruizes ? You cannot but be sensible, Sir, that, according to every principle of reason and justice, it would evidently and unquestionably be monstrous to claim these indemnifi-

cations of Spain, as the power existed then, and still does exist, which caused the injuries here treated of.

I would go still further, to show, that by no established principle of the law of nations can Spain be considered responsible for such indemnifications, not even indirectly, in case France should refuse to make them. I would cite, among others, the case in which Sir W. Scott, judge of the high court of admiralty of Great Britain, decided that prizes made by a belligerent, and carried into the ports of a power, its ally, and there condemned, are justly and lawfully condemned, according to the law of nations, and that the owners of the property prior to its condemnation, have no longer a claim to it after condemnation has taken place. From this and other decisions, it follows, the government, to whose subjects the property condemned belonged, has no ground to bring forward complaints or claims against the government of the country where the prizes were made, because the condemnation is conformable to the law of nations, the sentence pronouncing it is valid, and the authority condemning the property legal, and proceeded according to rule. This doctrine is well known and acknowledged in the United States, as also the principle, that when a nation has employed its good offices, and taken such means as are in its power, to procure satisfaction for the offence, and obtain compensation for the injuries committed on its coasts, and in its ports, on a friendly or neutral nation, it is bound to nothing more, although its good offices and endeavours may not have produced the desired effect. This principle was applied by Mr. Jefferson, in his letter of the 5th September, 1793, to Mr. George Hammond. It is also admitted by the best civilians, and agrees perfectly with the obligations of Spain towards the United States, resulting from the existing treaty between the two nations. I mean, however, in case Spain had not been the ally of France at that period, because, even in that case, the principle I

have just indicated would govern ; but being then the ally of France in the war against Great Britain, she might certainly employ, among the exceptions exempting her from all responsibility in the case here treated of, the principle which served as the ground of Sir W. Scott's decision in the British admiralty court ; but I do not consider it necessary further to illustrate these legal objections of the government of Spain against the claim of your government for the aforesaid injuries, in as much as this capital exception attends it, namely, that satisfaction for those injuries was already made to the United States by France, and consequently this affair is, and ought to be, considered as settled and terminated. This essential exception makes it superfluous to produce others, since the obligation spoken of, which was and could only be but one, is thereby evinced to have been extinguished. The French government has positively declared, that " in the special convention concluded between France and the United States, this point was settled ; and that the said convention, by which this claim and demand of the United States, for due compensation for the losses and damages now spoken of, were attended to and redeemed, was ratified in 1802, together with the treaty of cession or sale of Louisiana." That is to say, that the amount of the said injuries and losses was then estimated and compensated in the price stipulated for Louisiana ; so that full compensation was then made to the United States for all that was estimated and agreed on between the French and American governments, as forming the value of the said losses and injuries. The French ambassador at Madrid gave a verbal assurance to this effect to his catholic majesty's minister of state, and the minister of foreign affairs of France gave a similar assurance to the Spanish ambassador at Paris. His catholic majesty also demanded a formal and categorical answer of the French government on this point, which formal declaration I here copy ; it is thus

expressed in the note transmitted by the minister of France to the ambassador of his catholic majesty.

“ Bourbon L'Archambault, 8th Thermidor, 12th year, (27th July, 1804.) Monsieur l'Ambassadeur, I have duly laid before his imperial majesty the note which you did me the honor to address to me, dated the 24th July, relative to the discussion which has taken place between the court of Spain and the government of the United States; I shall not fail immediately to submit to him the more ample explanations which your excellency announces your intentions of making to me, both verbally and in writing, on this dispute, which seems to threaten the good understanding existing between the United States and your court. Although I might yet defer giving my opinion to your excellency, in consequence of your intention to furnish me with the explanatory statements which you announce, I do not hesitate to inform you by anticipation, that his imperial majesty cannot but be extremely sensible to the uncertain and uneasy position in which two powers, in amity with France, are placed by this misunderstanding, and that he will certainly do whatever may depend on him to prevent its coming to an unfortunate issue.

“ It is several months since I was informed by the charge d'affaires near the federal government, of the pretensions of that government, relative to a portion of country bordering on Florida, which has become a great object of ambition to the Americans, in relation to the establishment of their revenue system; and it seemed to me, from this information, that it was important that the federal government should use all the means in its power, to obtain the annexation of this frontier portion of Florida to Louisiana; but the opinion due to the justice and moderation which distinguish the personal character of the President of the United States, has not, nor does it yet, permit me to think, that menaces, provocation, and groundless hostility, may be considered by him as the most suitable

means to enable the United States to acquire a portion of territory belonging to a foreign power, which suits their convenience.

“Respecting the second point in dispute, which your excellency does me the honor to speak of in your note, I must say that I had previously no knowledge of it. And, indeed, if I had been informed that his catholic majesty’s ministers had carried their condescension for the government of the United States so far as to engage themselves towards it for indemnifying violations pretended to have been committed by France, I should certainly have received orders from my government, to express the dissatisfaction which France must feel on the occasion of so unseemly a deference; and this dissatisfaction would have been expressed still more warmly to the government of the United States than to that of Spain. There is every reason to suppose that the court of Spain, by thus yielding to an improper demand, has emboldened the American government, and determined it to become pressing, and even menacing on this occasion. As for the rest, the explanations formerly given to your court on this point, as well as those which have been authorized to be given to the government of the United States, by the charge d’affaires of his imperial majesty, must enable you to judge of the opinion formed by his majesty on this question, which, having already been the subject of a long negotiation and of a formal convention between France and the United States, cannot again become a subject of discussion.”

“Such, Monsieur l’Ambassadeur, are the remarks that I have thought proper to make in the first instance, in answer to the preliminary note of your excellency. In addition, I must observe, that, in my opinion, the demonstrations which appear to me to have given your government the uneasiness it has charged you to express, are somewhat exaggerated, either from the impression they have produced at Madrid, or from the construction,

possibly too extensive, which the minister of the United States to his catholic majesty may have, perhaps, given to his instructions. There is no room to suppose that a government, anxious as that of the United States is, to establish a general opinion of its wisdom and moderation, would resolve on engaging in an unjust war through motives of ambition; but as the United States attach great importance to the acquisition of a part of Florida suited to their convenience, it is not to be doubted that they will make every effort to obtain it. The ground of this dispute, therefore, rests entirely on this point. Perhaps the federal government may have thought that it would tend to promote a negociation for exchange, by exciting a diplomatic quarrel. The wisdom of his catholic majesty will certainly suggest to him what is proper to be done on this occasion, with a view to terminate a dispute, which, I have no doubt, will incessantly be revived, so long as no change will take place in the actual relative position of Louisiana and the Floridas; but, on this point, it is for the wisdom of his catholic majesty to decide. The United States are not founded in making any claim on his majesty. A positive declaration was made to them, that Louisiana was delivered to them, such and with the same extent it had when acquired by France, and this declaration will again be made to them as often and as positively as his catholic majesty will desire it.

“I request your excellency to receive the assurances of my highest consideration. Cha. Mau. Talleyrand. To Admiral Gravina, ambassador of his catholic majesty.”

You see, Sir, that this declaration of the French government is conclusive, and that the responsibility for losses and injuries caused by French cruisers and tribunals on the coasts and in the ports of Spain, is removed from the period of that agreement; and that to renew a claim for what has been already paid and satisfied, would be exacting double reparation for one and the same injury,

and double payment for one and the same debt. Notwithstanding, if the United States have still a claim for the complete fulfilment of this satisfaction and payment, his catholic Majesty is ready to unite his good offices and earnest requests to this claim of your government on that of France, in order that she may perform, and cause to be performed, whatever may be justly required in behalf of American citizens who have sustained losses and injuries by her cruizers and tribunals. To this the obligation of Spain, in the present case, is reduced; and his catholic Majesty's government offers immediately to sustain all the just pretensions which the government of the United States may be desirous to form against the government of France on this point, or to demand of it all such explanations as may be judged necessary to clear up all doubts, if any are yet entertained by the United States, on this matter.

This point then being separated from those connected with the question of claims for injuries, losses, and damages, because that is either already settled between France and the U. States, or is to be settled with France directly, if any thing still remains to be performed, we can agree upon a just and suitable mode of determining a reciprocal satisfaction for the injuries, losses, and damages, before spoken of, and included in the three points of the first class, as enumerated in this note, in order that we may proceed more clearly and methodically. These three points, as I have before said, will be submitted to the judgment and decision of the joint commission, in virtue of the convention to be formed on the basis of that of 1802, simplifying and rectifying it in such manner as will insure its most expeditious and faithful execution.

In this note, and the two others which I have already had the honour to address to you, are contained all the points in dispute between the government of his catholic Majesty and that of the United States; and to avoid confounding them with each other, I have treated them in

their regular order with precision, simplicity, and clearness. You can examine each of them, Sir, with the impartiality and rectitude which distinguish your character; and I flatter myself that all the motives and grounds of the controversy will be completely removed by your discernment and wisdom, as you will not fail to acknowledge the irresistible force of what has been, and is now demonstrated on the part of the government of Spain.

When the different points treated of in each of these notes, with the necessary discrimination, are considered, and a decision formed on each of them, it is requisite we should definitively settle and terminate the controversy, without leaving any room for dispute in future.

This general and definitive arrangement of all the points in dispute, must, by its nature and circumstances, precede the negotiation, for the exchange or cession of the Floridas; since, until it be determined and settled what are the territories on the frontier which belong to Spain, and what are those which belong to the United States, it is impossible to estimate the equivalent to be given to Spain for the two Floridas. Nevertheless, as it is the earnest desire of his catholic Majesty to meet the wishes of the United States in every thing that may be compatible with the rights and honour of his royal crown, you may, Sir, devise and propose a mode by which we may at one and the same time adjust all the points of the controversy, and stipulate the exchange or cession of the Floridas, in case your government should not agree to our previous settling the points connected with the question of boundaries, and establishing a convention, in conformity to the basis of that of 1802, for the mutual compensation of losses and injuries, according to the order I have adopted in my note.

I expect, therefore, your answer, Sir, whether it be confined distinctly to the subject of each one of my notes, according to their respective order, or to propose a mode

embracing all the points comprehended in them, by which we may have them collectively settled in the negociation which is to be entered upon for the exchange or cession of the Floridas. In this proceeding you will perceive, Sir, a certain proof of the frankness and good faith of the Spanish government, and of the sincere and friendly sentiments entertained by the king, my master, for the United States.

I conclude, with the renewed assurance of my respects, and I pray God to preserve you many years.

LUIS DE ONIS.

[TRANSLATION.]

The same to the same.

Washington, 8th Jan. 1818.

SIR,

In the National Intelligencer of the 6th of this month, I have seen published the official notice of the occupation of Amelia Island by the troops of the United States. I had already anticipated this unpleasant event, by the note which I had the honor to address you on the 6th of last month, in which I remonstrated, in the name of his Catholic Majesty, against the measures announced in that part of the President's message to both Houses of Congress, which manifested an intention to invade, and forcibly seize on places and territories belonging to the crown of Spain. Having received no answer to that note, I now feel myself obliged to repeat its contents to you, and to protest, as I now do strongly protest, in the name of the king, my master, against the occupation of Amelia Island, effected by the naval and military forces of this republic, destined to operate against that Island, forming a part of East Florida, one of the possessions of the Spanish monarchy, on this continent.

Whatever may have been the motives on which the government of the United States have founded their adoption of this measure, it cannot but be considered by all nations, as a violent invasion of the dominions of Spain, at the time of a profound peace, when his Catholic Majesty omits nothing to give the most generous proofs of his perfect friendship and high consideration for the United States.

I therefore trust, that upon your communicating this solemn reclamation and protest to the President, he will be pleased to direct that suitable orders be given to the American commanders at Amelia Island, and on that station, forthwith to restore the said Island, together with all its dependencies, to his Catholic Majesty, and to deliver up the same to the Spanish commandant and officers presenting themselves for that purpose, in the name of their sovereign.

It is also my duty to represent to you, Sir, that at the time of the invasion and occupation of that Island by the American troops, there was, and I believe still is, a considerable property belonging to Spanish subjects, which, in all cases, it is required by strict justice, should be delivered to the owner, which, I doubt not, has already been, or will be done, in a due and proper manner, care being taken, in the mean time, that it be not removed, or suffer injury.

I await your reply to this reclamation and protest, that I may be enabled to give seasonable intelligence and instructions to the governor of St. Augustine, and to the captain-general of the Island of Cuba, provided the President, as I flatter myself, will resolve on the prompt restitution and delivery of Amelia and its dependencies to his Catholic Majesty's government.

I cannot by any means doubt that this will be effected, confiding, as I do, in the high rectitude of the President,

and in the inviolable principles of public faith, on which the security of nations reposes.

I have the honor to renew the assurances of my respect, and pray God to preserve you many years.

LUIS DE ONIS.

The Secretary of State to Don Luis de Onis.

DEPARTMENT OF STATE,
Washington, 16th Jan. 1818.

SIR,

Your letters of 29th December, and of 5th and 8th of the present month, have been received, and laid before the President of the United States.

He has seen, not without surprize and regret, that they consist almost entirely of renewed discussions upon the several points of difference which have so long subsisted between the United States and Spain ; discussions which had been exhausted in the correspondence between the minister plenipotentiary of the United States at Madrid, and your government, in the years 1802 and 1803, and more especially in that between Don Pedro Cevallos and the special extraordinary mission of the United States to your court in 1805 ; a mission, instituted by the American government, under the influence of the most earnest desire to terminate amicably, and to the satisfaction of both the parties, all those differences ; but which, after five months negociation at Aranjuez, issued in the refusal of Spain to give satisfaction to the United States, upon any one of the causes of complaint which were to be adjusted, or even to settle the question of boundaries existing between the United States and the Spanish provinces bordering upon them. The President considers that it would be an unprofitable waste of time, to enter again at large on topics of

controversy, which were at that time so thoroughly debated, and upon which he perceives nothing in your notes which was not then substantially urged by Don Pedro Cevallos, and to which every reply essential to elucidate the rights and establish the pretensions on the part of the United States, was then given. For proof of which, I beg leave merely to refer you to the letters of Mr. Monroe and Mr. Pinckney, to Mr. Cevallos, of 28th January, 26th February, 8th and 16th March, 9th and 20th April, and 12th May, 1805. I am instructed by the President to propose to you an adjustment of all the differences between the two countries, by an arrangement on the following terms.

1. Spain to cede all her claims to territory eastward of the Mississippi.

2. The Colorado, from its mouth to its source, and from thence to the northern limits of Louisiana, to be the western boundary; or to leave that boundary unsettled for future arrangement.

3. The claims of indemnities for spoliation, whether Spanish or French, within Spanish jurisdiction, and for the suppression of the deposit of New Orleans, to be arbitrated and settled by commissioners, in the manner agreed upon in the unratified convention of 1802.

4. The lands in East Florida, and to the Perdido, to be made answerable for the amount of the indemnities which may be awarded by the commissioners, under this arbitration; with an option to the United States, to take the lands and pay the debts, or to sell the land for the payments of the debts, distributing the amounts received, equally, according to the amount of their respective liquidated claims among the claimants. No grants of land, subsequent to the 11th of August, 1802, to be valid.

5. Spain to be exonerated from the payment of the debts, or any part of them.

These proposals do not materially differ from those

made to Don Pedro Cevallos, on the 12th of May, 1805. The President has seen nothing in any events which have since occurred, nor in the contents of your notes, which can afford a reason or a motive for departing from them. Of the motives for coming to an immediate arrangement, the urgency cannot escape your attention. The events which have recently occurred in a part of the territory, which you have informed me that the King of Spain is willing to cede to the United States, those which are notoriously impending over the remaining part of the territory yet in the possession of Spain, make it indispensably necessary that the ultimate determination of your government in this negotiation should be acted on without delay. The explanations requested by your notes of the 6th December, and 8th January, of the motives of this government in the occupation of the Amelia island, have been given in the message of the President to the congress of the 13th instant, and cannot fail of being satisfactory to your government. You see it there distinctly and explicitly declared, that the measures which this government found itself under the necessity of adopting in relation to that island, were taken not with a view to conquest from Spain. You well know, that if Spain could have kept, or recovered the possession of it from the trifling force by which it was occupied, the American government would have been spared the necessity of the measure which was taken, and which was dictated by the duty of protecting the interests, as well of this country as of those with whom we are in friendly commercial relations, including Spain herself. But Spain cannot expect that the United States should employ their forces for the defence of her territories, or to rescue them for her exclusive advantage from the adventurers who are projecting, and in the act of executing, expeditions against them, from territories without the jurisdiction of the United States. Neither can the United States permit that the

adjoining territories of Spain should be misused by others, for purposes of annoyance to them.

Under these circumstances, the President is persuaded that you will perceive the necessity, either of accepting the proposals herein contained, as the basis of an adjustment of the long standing differences between the United States and Spain, or of offering such as can, by any possibility, be acceptable to this government, without reverting to a course of proceeding, the only result of which must be further procrastination.

I pray you, Sir, to accept the assurance of my very distinguished consideration.

JOHN Q. ADAMS.

[TRANSLATION.]

The Chevalier Don Luis de Onís to the Secretary of State.

Washington, 24th Jan. 1818.

SIR,

I have received your letter of the 16th of this month, by which I see, with great regret, that in acknowledging the receipt of those I had the honour to address you on the 29th of last month, and the 5th and 8th of the present, you omit to answer them, and decline taking into consideration the indisputable facts and grounds, and the irresistible arguments advanced in them, in relation to each of the points embraced by the dispute set on foot by the government of the United States. You say, it is useless again to discuss the facts, reasons, and arguments, produced by the Spanish government, in the years 1802 and 1803, and 1805; the American plenipotentiary and the special extraordinary mission, conjointly with him, having then replied to the different points of the notes of the Spanish ministry, in a manner capable of elucidating

the respective rights of each of the two powers, and establishing the pretensions of the government of the United States; for proof of which you refer me to the letters of Messrs. Monroe and Pinckney to his catholic Majesty's minister, Don Pedro Cevallos, of the 28th January, 26th February, 8th and 16th March, 9th and 20th April, and 12th May, 1805.

I think it proper to observe, in the first place, that although the facts, grounds, and arguments, then produced by the Spanish government, do not differ essentially from those stated in my aforesaid notes, their irresistible and conclusive force is neither altered nor in any manner impaired. Truth is of all times; and reason and justice are founded on immutable principles. It is on these principles that the rights of the crown of Spain are founded to the territories eastward and westward of Louisiana, claimed by your government as making part of that province; rights of immemorial property and possession, never disputed, but always notorious, and acknowledged by other nations.

In the second place, I must remark to you, that, throughout the whole correspondence on this subject, between the ministry of the United States, and that of his Catholic Majesty, there is not a single fact, or a single argument, that can affect the certainty, or decisive force of the facts, grounds, and reasons, which support and determine the aforesaid rights of the crown of Spain. There does not appear to be a single incident to give the smallest support to the pretensions of your government. All the vague positions on which it has been attempted to found them, have been refuted and dissipated by the Spanish government, by a demonstration so luminous and convincing, as to leave no alternative to reason to resist it.

To lay all this aside, and merely to say, "that it is a matter already thoroughly debated, on which nothing further essential can be urged, and that the American go-

vernment insists on maintaining a contrary opinion," is to adopt an arbitrary course, because this opinion, not being supported by any solid foundation, and being, as it is, diametrically opposite to the unquestionable result of facts, and to the most incontestable principles and arguments, does not, nor can it give to the United States any right to the pretensions they have formed. Neither can it be required, that the government of Spain should subscribe to this opinion, and renounce its rights to the territory which the United States wish to possess in the Spanish provinces bordering on those states; since that opinion, as I have already said, is altogether groundless and arbitrary, and since, on these rights, there neither does, nor can there, fall any doubt.

It is the sincere wish of his Catholic Majesty, that a just mode of amicably settling all pending differences may be adopted, and he has authorized me, for this purpose; but neither the powers he has conferred on me, nor my own sense of duty, permit me to enter into an arrangement which is not based upon principles of common justice, combined in good faith with the suitable considerations of reciprocal utility or convenience. Being anxiously desirous of carrying the wishes and frank dispositions of my sovereign into execution, I suggested to you, in our last verbal conference, the expediency of your making to me such proposals as you might think fit, to reconcile the rights and interests of both powers, by a definite arrangement of the differences pending between them. Since you communicated the present state of things to the President, you have proposed to me in your note a plan of arrangement or adjustment, embracing the question of boundaries, and that of indemnities, which is as follows :

To settle the former, you propose, " that Spain shall cede all her claims to territory eastward of the Mississippi, (that is to say, the two Floridas ;) and that the Colorado,

from its mouth to its source, and from thence to the northern limits of Louisiana, shall be the western boundary of that province."

I have expressed in one proposal what you have stated in two, as both are reduced to the cession of territory by Spain. It is not only pretended that Spain shall cede both Floridas to the United States, but that she shall likewise cede to them the vast extent of Spanish territory comprehended within the line following the whole course of the Colorado. I presume that it is the river Colorado of Natchitoches you speak of, and not of another bearing the same name, and which is still farther within the limits of the Spanish provinces. I leave it to you, Sir, to examine the import of these two proposals, and to see whether they are compatible with the principles of justice, or with those of reciprocal utility or convenience. It is demanded of Spain to cede provinces and territories of the highest importance, not only to the eastward, but the westward of Louisiana, and that without proposing any equivalent or remuneration.

To settle the question of indemnities, you make the following proposals :

1. That indemnity for spoliation on American citizens, committed by Spaniards or by French within the jurisdiction of Spain, as well as for injuries sustained by American citizens by the interruption of the deposite at New Orleans, shall be settled by a joint commission, as agreed upon in the convention of 1802.

2. The lands in East Florida and in West Florida, to the Perdido, to be made answerable to the United States for the amount of the indemnities which may appear to be due by Spain to American citizens, on the settlement to be made by commissioners appointed according to the convention of 1802; it being at the option of the United States to take the lands and pay the amount of the indemnities according to the award on the claims, or to sell

the lands and effect the payment with the proceeds of the sales. To this proposal you add, that all grants of land subsequent to the 11th of August, 1802, are to be null and void.

3. That Spain shall be exonerated from the payment of the debts, or any part of them.

Before I reply to these three proposals, I must repeat the uniform declaration of the Spanish government to the United States, that his catholic majesty is, and always has been, ready to settle the question of indemnities, with a view to the full satisfaction of the just claims of the parties interested ; and that his majesty has always manifested the same sincere desire to settle definitively the question of boundaries to the satisfaction of both powers ; and that, if neither of these objects has been accomplished, it has not depended on the government of Spain. The contrary is evident, beyond the possibility of denial, from the official correspondence between his catholic majesty's minister of state, and the plenipotentiaries of the American government, who suspended and broke off the negotiation at Aranjuez, after having obstinately refused to accept the modifications founded on strict justice, which were proposed by the Spanish government.

I now proceed to state the most obvious and essential difficulties which render your three proposals for the settlement of indemnities inadmissible. I observe that, in speaking of them, you only mention the indemnities for spoliations suffered by American citizens, and omit that which is equally due to Spaniards for spoliations committed on them by the citizens and authorities of this republic, in violation of the law of nations and the existing treaty. I also observe that you not only omit this indispensable basis of reciprocity and common justice, but propose the immediate cession of both the Floridas, which two Spanish provinces are to be retained by the United States, as an indemnity or payment of what may appear

to be due by Spain to American citizens, according to the arbitration of the joint commission.

You cannot fail to admit, Sir, that this proposal, independent of its injustice, is offensive to the dignity and honor of his catholic majesty. It is unjust, because it demands an indemnity or anticipated payment of claims yet to be proved and liquidated, while, at the same time, it provides for no correspondent indemnity or payment of what may be due by the United States to Spanish subjects. It is offensive to the dignity and honor of Spain, because, by the very fact of demanding this anticipation, a want of confidence in the integrity and punctuality of his catholic majesty's government is manifested, whereas a single instance does not exist of Spain having failed in fulfilling her engagements, the most scrupulous exactness, good faith and strict observance of the point of honor having at all times invariably formed the distinguishing traits of her character. It, therefore, becomes unnecessary to point out to you the enormous disproportion between the value of the two Floridas, and that of the probable amount of the claims of American citizens on the government of Spain, after they are ascertained and liquidated. This disproportion will be still more enormous, when you consider, that, in the first of the three proposals, to which I am now replying, is included the indemnity for spoliations on citizens of this republic by French cruizers and consuls on the coast and in the ports of Spain, and by the tribunals of cassation in France, confirming the condemnation of American prizes.

It has been proved to mathematical demonstration, that Spain neither is nor can be responsible in any way for this indemnity. It is France which must be responsible, if she has not already satisfied the claim, as her government assures she has done.

Nor can I omit to declare to you, Sir, that the pretension of annulling the grants of land in Florida, since

August, 1802, would be in opposition to all the principles of justice. These grants are made in a lawful manner and by a lawful authority. Spain was the owner and peaceful possessor of those lands. She had then an indisputable right to make the grants you allude to, as she now has to the property of the territory afterwards forcibly taken possession of by the United States, since a violent dispossession never deprives an individual or nation of their lawful rights. I proceed to your last proposal, which is, that, on the admission of those proceedings, Spain shall be exonerated from all obligation to pay the debts or claims which may be due to American citizens, on their settlement and liquidation by the joint commission. I conceive this to be the import of the expressions, stating that "Spain shall be exonerated from the payment of the debts or any part of them." This proposition is a corollary of the two preceding it, since, if Spain should cede the two Floridas to the United States as an indemnity or compensation for the losses and injuries done to the citizens of this republic, she would necessarily be exonerated from this responsibility, the cession being, in such case, equivalent to a final discharge of the claims referred to. I go farther. Supposing your two last proposals for the definitive adjustment of the question of indemnities to be admitted and carried into effect, the one preceding, namely, that which refers this business to the award of commissioners, to be appointed by both governments agreeably to the convention of 1802, would be useless and contradictory. As none of the proposals offered by you provide an indemnity for the losses and injuries caused to Spaniards, nor even makes any mention of them, and by the two last proposals, if admitted, the losses and injuries sustained by American citizens would be indemnified and compensated, according to the wishes of your government, and Spain would, consequently, be exonerated from all responsibility on this head, it is clear, that the business

would then be settled and cancelled, and there would be no necessity for recurring to arbitration.

Finally, I cannot refrain from expressing my great concern, at not being able in any degree to reconcile the proposals you have made me by order of the President, with the inviolable principles of common justice; and on perceiving, that, on the part of the United States, no basis is presented of a due reciprocity, for the adjustment of the differences pending, the said proposals being altogether inadmissible.

I repeat to you, Sir, that the king, my master, being desirous to meet the wishes of the United States in respect to the cession of the Floridas, although it is well known, how highly important those two provinces are to cover and secure the possessions of Spain in that part of America, his majesty is ready to cede them, provided he be compensated by an equivalent in territory belonging to the United States, and bordering on the Spanish possessions, and it is under this idea, that the powers and instructions I have from my government are conceived. But you cannot fail to admit, that the plan of adjustment proposed, involves exorbitant and enormous sacrifices to the prejudice of Spain, since, without offering any equivalent or compensation on the part of the United States, it requires not only the cession of both the Floridas, but also that of immense territories belonging to the Spanish monarchy westward of Louisiana; and, that in relation to the question of reciprocal indemnities, it only comprehends those of American citizens, omitting those due to the crown and subjects of his catholic majesty. This plan of adjustment would amount to the following one: "Give me all I wish to ask, and give up all you may justly claim or show is yours." I am, however, perfectly persuaded, that this neither is nor can be your intention, or that of your government; and that, in making these proposals for an adjustment, your only object was to afford me an opportu-

nity, to make such as you might consider just and admissible.

I shall, therefore, put out to you such as I conceive to be founded in justice and reciprocal convenience, and therefore cannot fail to meet the wishes of the United States.

1. "The dividing line between Louisiana and the Spanish possessions to be established in one of the branches of the Mississippi, either that of La Fourche, or of the Achafalaya, following the course of the river to its source. Spain to cede the two Floridas to the United States in full and complete sovereignty."

In case this proposal should not appear admissible to your government, the following may be substituted: "The *uti possidetis*, or state of possession in 1763, to form the basis, and the western line of division to be established from the sea, at a point between the rivers Carcasu and the Marmonias or Marmontoa, running thence by Arroyo Hondo, till it crosses the Colorado of Natchitoches, between that post and Adaes, thence northward to a point to be fixed and laid down by commissioners respectively appointed for the purpose."

2. His catholic majesty to ratify the convention of 1802, and both governments to abide by the decision of the joint commission on the question of indemnities, classing as such those which regard American citizens and the crown and subjects of his catholic majesty, for spoliations reciprocally committed to the period of the said convention, and thereafter to the date of the confirmation of the adjustment by the joint commission. Five or seven members to compose the commission, with this condition, that if there are five, each government shall respectively nominate a person for the fifth member, to be chosen by lot, provided they cannot agree on the person to be so chosen; the same to take place for the fifth, sixth, and seventh, if there be seven members; but the fifth, in the first instance, and the fifth, sixth, and seventh, in the second, shall nei-

ther be Spaniards nor citizens of the United States by birth or naturalization. They shall, moreover, be, by their profession and office, judges, of the number of those subjects, who, among maritime and commercial nations, are usually employed to judge and decide on matters connected with maritime law and the law of nations, whether in France, England, Russia, Austria, or the Netherlands. In both cases, the person so designated, to be provided with a certificate of the government of the country he belongs to, proving the opinion entertained of his integrity and capacity, his quality and actual profession as a judge in the matters referred to, and also the assurance, that permission shall be granted to him for discharging the duties of the commission, in case the said person shall be chosen by lot.

With these modifications, suggested by prudence, impartiality, and the most perfect rectitude, and excluding, as is just, the indemnity for the spoliations committed on the commerce of this republic, by French privateers and consuls on the coasts and in the ports of Spain, and by the tribunals of cassation in France, the convention of 1802 to be ratified and carried into execution.

3. His Catholic majesty to unite with the United States in using their best endeavors to obtain from France the correspondent indemnity for the spoliations just mentioned, in case that question has not already been settled between the French and American governments.

4. The government of the United States to engage to take effectual measures to prevent all hostile armaments in their ports and territory against the commerce and possessions of Spain, either by Americans or any other power, or by adventurers of other nations, or by the rebels of Spanish America; and for their due execution, the President to issue positive orders to all persons employed by the government; charging them, on their responsibility, to guard against any infraction or violation of them whatsoever, extending the same measures to the preventing of any vessels

employed in cruising against the Spanish commerce or otherwise hostilely engaged against the government and subjects of his catholic majesty, from arming in, or entering armed, the harbours and waters of the United States. Every vessel of this description, found within the jurisdiction of the United States, to be seized without remission, and subjected to the rigour of the law by the American officers and authorities ; and the vessels and property so captured, belonging to the subjects of the crown of Spain, to be laid under attachment, and definitely delivered up to his Majesty's minister, or the nearest Spanish consul, to be held by them at the disposal of the lawful owners. This proposal contains nothing beyond the obligations already imposed by the laws of the United States, the law of nations, and the existing treaty. But, as it is evident to you, and to the whole world, that abuses and infractions of these laws and solemn compacts have been, and continue to be, frequently practised, it is absolutely necessary that suitable measures be adopted, fully and effectually to prevent the repetition of similar abuses and infractions.

By these four proposals, the rights and interests of both powers are reconciled, upon principles of manifest justice and reciprocal utility ; they settle and terminate all pending differences, in my judgment, satisfactory to both nations ; and I must presume that the President will view them in the same light, and substantially admit them. In case there be any other question of secondary or minor importance, to be in like manner included in the general and definite adjustment, it will be easy, and follow of course, after we have agreed on the most essential articles or points ; we will then also determine the true import of the several propositions laid down, and explain each one of them with the necessary clearness, accuracy, and precision.

If, however, you should find any difficulty or obstacle

to the acceptance of the proposals I have now the honor to make to you, and are of opinion, that by any other mode we may attain the desired object, without deviating from the fundamental principles and basis of justice and reciprocal convenience, I will, with great pleasure, be ready to adopt it, provided it be compatible with the powers given me by the king, my master. In this view, you can propose such changes or modifications, as you may see fit, as are calculated to remove all difficulties on both sides, and reconcile the rights, interests, and wishes of both powers.

In the mean time, I hope that the course pursued by the President (*en la marcha de su conducta*) will correspond with the sentiments and uniform profession of amity and perfect harmony existing between his majesty and the United States; and I am therefore constrained to reclaim and protest formally, as I now do, against all measures whatsoever, injurious to the rights of the crown of Spain, and to renew, as I hereby do, the protest already made against the occupation of Amelia Island, and against the orders to occupy Galveston, inasmuch as the United States having no right whatever, either to the said island, or to Galveston, they neither had, nor could have, a just motive or cause to sanction similar acts of violence in the midst of peace.

I await your answer to this note, in order that we may accelerate the moment of agreeing on just and fit measures for carrying the definitive settlement of all pending differences into effect.

In the mean time, I renew to you, Sir, the assurances of my constant respect.

God preserve you many years.

LUIS DE ONIS.

[TRANSLATION.]

*The same to the same.**Washington, 10th Feb. 1818.*

SIR,

The multiplicity of business which I believe has, and still does engage your attention, from the necessity of preparing and laying before the Congress the papers and information called for on different subjects, must assuredly have prevented you from replying as yet to my note of the 24th of the last month; it is, therefore, unnecessary for me to trouble you, by trespassing on your attention to urge the importance of your answer, as I feel assured you are as fully aware of it as I am. But the earnest wish I have to accelerate the negotiation that has been opened, and thereby to come to a final arrangement of the differences pending between his Catholic Majesty's government and yours, impels me to take this step. I therefore request you, Sir, to be pleased to inform me, as soon as you possibly can, whether the proposals offered in my aforesaid note come up to, or approach the wishes of this republic; and if, with the view of satisfying them, you can devise another just mode, calculated to reconcile the rights of both nations upon some principle of reciprocal utility and convenience, I hope you will communicate it to me, in full confidence, that I shall not hesitate a moment to accede to any modification or expedient, founded on a basis of acknowledged justice and mutual utility, because it is to such a basis that all the instructions and powers I have received from my sovereign refer.

The United States having manifested a wish to obtain the Floridas, his Catholic Majesty has condescended to accede thereto, as a proof of his friendship and high consideration for the United States, and has authorized me to stipulate the cession of those two provinces for an equi-

valent of territory westward of the Mississippi. Having proved, on the part of his Majesty's government, by the most complete evidence of which moral facts are susceptible, and by a conviction in no wise inferior to that of mathematical truths, that the proper boundaries of Louisiana, eastward of the Mississippi, are defined by the course of that river, and thence by the Iberville and the lakes Maurepas and Pontchartrain; and that to the westward, they never did, nor could extend beyond the rivers Carcasu and Marmentas or Marmenteo, running between Nachitoches and Adaes, across Red River, and thence northward of a line not yet fixed, and to be settled by commissioners to be appointed by both governments, it is clear that the proposals offered in my note for the final settlement of the question of boundaries, cannot fail to appear advantageous to your government, and satisfactory to the just wishes of the United States. But if, for their greater satisfaction, you can point out an expedient by which the said proposals may be still further modified, without detracting from the acknowledged principles of common justice and reciprocal convenience, I am ready to attend to, and stipulate it immediately, if it comes within the sphere of my powers and instructions; and in case it should not, by presenting, perchance, combinations which could not be foreseen by his Catholic Majesty, I will immediately dispatch a courier to Madrid, to inform my government of the demands of yours, and request more ample powers adapted to them.

The question of indemnities can be attended with no difficulty. The Spanish government has always been willing to give due satisfaction for the losses and injuries sustained by citizens of this republic, and committed by Spaniards, contrary to the law of nations and the existing treaty, but it cannot relinquish its claim to comprehend, in like manner, in the adjustment of those losses and injuries, such as have been committed by citizens and

authorities of this republic on the crown and subjects of Spain, in violation of the same rights and treaty. Your government, sensible of the justice of this demand, cannot fail to accede to it; thus, by ratifying the convention agreed on in 1802, as I have already proposed to you, the question of indemnities will be easily settled and determined.

The King, my master, being desirous of giving the United States and the whole world incontestible proofs of the rectitude and sincerity of his dispositions, and of his love of justice and good faith, is ready to submit all the questions embraced by the pending differences, to the arbitration of one or more of the powers of Europe, in whom the United States may have the greatest confidence, they and his Majesty respectively engaging to abide irrevocably by the decision of such arbitrament. In cases where justice alone is sought for, this reference must be particularly desirable, and has been frequently resorted to, as well by individuals, as by the most respectable nations, on controverted questions.

The British government, on being informed of the difficulties attending the negotiations pending between Spain and the United States, made an offer of its mediation for the purpose of reconciling them, and the President has not been pleased to accept it, as I have been lately informed by the minister of England to these states. From this refusal I am to infer, that the President is willing, on his part, to remove all the obstacles which oppose the prompt and happy termination of the negotiation pending, and, under this impression, which is due to the uprightness, rectitude, and good faith of the American government, I flatter myself that it will not be necessary to have recourse to the mediation or arbitration of friendly or neutral powers, to settle and terminate, on principles of justice, the existing differences between the United States and Spain; and if unfortunately this should not be

the case, I also flatter myself, that your government will approve of one of those modes, as being dictated by a sincere love of peace and justice due to such occasions.

I therefore hope, Sir, that you will reply as soon as possible to the proposals made in my last note, and communicate to me whatever you may think most conducive to the happy termination of the pending negotiation, and still further to strengthen the bonds of friendship and good understanding between the two nations.

In the mean while, I have the honour to renew to you the assurances of my respect, and I pray God to preserve you many years.

LUIS DE ONIS.

The Secretary of State, to Don Luis de Onis, Envoy Extraordinary and Minister Plenipotentiary from Spain.

DEPARTMENT OF STATE,

March 12th, 1818.

SIR,

The admission in your letter of the 24th of January, that all the facts, grounds, and arguments, alleged in your previous notes of 29th December, and of 5th and 8th January, in support of the pretensions of your government, upon the several points of difference which have so long subsisted between the United States and Spain, are essentially the same as had already been advanced and discussed, at the period of the extraordinary mission to Spain, in 1805—while it justifies the reluctance, on the part of the American government, manifested in my letter of the 16th January, to the renewal of an exhausted discussion, cannot but excite some surprise, as comporting so little with the professions of the earnest desire of your government to bring these differences to a speedy and happy termination, which have been so

strongly and repeatedly expressed, as well in your notes, as in the recent communications from Don Francisco Pizarro to the minister of the United States at Madrid. The observation, that truth is of all times, and that reason and justice are founded upon immutable principles, has never been contested by the United States; but neither truth, reason, nor justice, consist in stubbornness of assertion, nor in the multiplied repetition of error. I referred you the letters from the extraordinary mission of 1805, to Don Pedro Cevallos, for an ample and satisfactory refutation of the supposed facts, grounds, and arguments now reproduced by you. You reply, by telling me, that "there does not appear to be a single incident to give the smallest support to the pretensions of my government; that all the vague positions on which it has been attempted to found them, have been refuted and dissipated by the Spanish government, by a demonstration so luminous and convincing, as to leave no alternative to reason to resist it." And you, more than once, intimate, that the American government does not, itself, believe in the validity of the statements and arguments used by its ministers, in support of the claims of the United States, as asserted by them.

To language and sentiments such as these, the government of the United States cannot reply; nor can it, without an effort, continue at all a discussion sullied by such unworthy and groundless imputations.

I am directed by the President to confine the observations upon your late notes, to those parts of them which have relation to the essential subjects of controversy between the two nations.

To give a single instance of that course of argument, which you represent as equivalent to mathematical demonstration in favor of Spain, it will be sufficient to refer to your assertions, in relation to the question of the eastern boundaries of Louisiana, as retroceded to France, by

the treaty of St. Ildephonso in 1800, and ceded by France to the United States in 1803. The claim of the United States, under that cession, to the territory east of the Mississippi, as far as the river Perdido, rests, as you well know, upon the words in the two treaties, describing the colony or province of Louisiana, ceded by them, as having the same extent, not only that it had at the time of the retrocession in the hands of Spain, but also *that it had when France possessed it*, and such as it should be, after treaties subsequently entered into between Spain and other states. You know also with what force it was urged by the ministers of the United States at Aranjuez, in 1805, that those words, referring to the primitive possession of the province by France, could have had no other meaning than that of extending the retrocession to the Perdido, because the province had always had that extent when in possession of France. And what is your reply to this argument, which you are pleased to include under the general censure of vague and groundless positions? It is no other than the supposition of a treaty of 1764, by virtue of which you say France ceded the western remnant of Louisiana to Spain, a year after having ceded the eastern part of it, from the Mississippi to the Perdido, to England. With the aid of this treaty, you are enabled, first, to discover an interval of time between the two cessions, and during which France possessed Louisiana, bounded eastward by the Mississippi; and secondly, to include this treaty between *Spain* and *France* among those described in the article of the treaty of St. Ildephonso, as “the treaties subsequently entered into between Spain and *other states*.”

There is reason to believe that no such treaty of 1764 ever existed. That the cessions of Louisiana, westward of the Mississippi, to Spain, and, eastward of that river to the Perdido, to England, were made by France, both on the 3d of November, 1762, is certain, and that the acceptance by the king of Spain of the cession made

to him, took place on the 13th of the same November, 1762; the proof of which is in the very order from the king of France to L'Abbadie, for the delivery of the province to the officers of the king of Spain. The province had never belonged to France a single day, without extending to the Perdido. Nor can it be necessary to remind you that the very treaty of cession, by which France surrendered her possession of Louisiana to Spain, cannot be comprehended in the description of the treaties *subsequently* entered into between Spain and *other states*.

As this simple reference to a notorious and unquestionable fact annihilates all that course of reasoning upon which your understanding rejects all doubt, so a recurrence to another fact equally notorious, replies as decisively to your appeal to the treaty of the 6th February, 1778, between the United States and France. You say, that in the year 1800, France could not have acquired any territory east of the Mississippi, without a *monstrous violation* of that treaty, forgetting that that treaty, and all its obligations upon France had, before the year 1800, ceased to exist.

The fact, that the cessions of the two parts of Louisiana to Spain and England, were made on the same day, may serve no less as a reply to all the verbal criticisms, so gravely urged by Mr. Cevallos, and now repeated by you, on the force of the terms *retrocede* and *retrocession*, used in the treaty of St. Ildephonso. The plain import of the words is neither more nor less than giving back—restoring. It does not, and cannot be made to imply, that both the parties to the restoration must, of necessity, be the same as both the parties to the grant. They only imply that the object and the party granting, or the party receiving it, as restored, are the same. To use an illustration from the concerns of individual life—suppose A. by two separate deeds, grants half an acre of land to B, and the other half to C.—B, by subsequent purchase, obtains the half acre

granted to C. and then regrants the whole acre back to A. By whatever denomination the two half acres may have been called, in the interval between the first grant and the restoration, B. might, with the most perfect propriety, be said to retrocede the whole; and if in the act of restoration the acre should be called by the same name, and expressly described as having the same extent as when it had been first owned by A, with what shadow of justice could B. pretend that his regrant was only of the half acre he had first received from A, because the other half acre had, in the interval, been called by another name, and for some time owned by another person? That the term of *retrocession* is in common use, in this sense, take the following passage from the English translation of Alcedo's dictionary.

“By a treaty in 1783, Great Britain *retroceded* to Spain all the territory which both Spain and France had ceded to Great Britain in 1763.”

There would be nothing in the terms *retrocede* or *retrocession*, which could limit the territories restored by Spain to the boundaries under which she had first received part of them from France; even if the original cessions of the two parts had been made at different times; and even if those words, “*with the same extent it had when in the hands of France,*” had not been inserted in the treaty of St. Ildephonso. But, when it is considered that the cessions, by France, of the two parts of Louisiana were made to Spain and to England on the same day, when we know that the cession of the part ceded to England, had been made for the benefit of Spain, as it was an equivalent for the restoration by England of the island of Cuba to Spain, and when we seek for any possible meaning to the words referring to the extent of Louisiana, when before owned by France, to our minds, Sir, the conclusion is irresistible, that the terms *retrocede* and *retrocession* can have in this case no other meaning than that for which we con-

tend, and that they include the giving back to France the whole of Louisiana, which had ever belonged to France, and which it was, at the time of the signature of the treaty of St. Ildephonso, in the power of Spain to restore.

By the words in the third article of the treaty of St. Ildephonso, adopted in the treaty of cession of 1803 to the United States, Spain retrocedes to France the *colony* or *province* of Louisiana, with the same extent that it "now has in the hands of Spain, and that it had when France possessed it, and such as it ought to be after the treaties subsequently entered into between Spain and other states." At the negotiation of Aranjuez in 1805, your alleged treaty of 1764, never occurred to the imagination of Mr. Cevallos, as one of these subsequent treaties; for, after citing this clause of the article, he says, in his letter to Messrs. Pinckney and Monroe, of the 24th February, 1805, "the treaties here alluded to, are not, nor can be others than those of 1783, between Spain and England, and 1795, between Spain and the United States." The American ministers, in their answer of 8th March, 1805, explicitly agree in opinion with Mr. Cevallos on this point; and your intimation of a treaty of 1764, to which you suppose the clause also to apply, is as incompatible with the pretensions of your own government in 1805, as with those of the United States at this day.

To account for the peculiar phrascology used in this description, inserted in the third article of the treaty of St. Ildephonso, we must advert to the peculiar situation of the territory to be conveyed, and to what *must* have been the intention of the parties. It was a colony or province to be restored; and therefore the object of France could have been no other than to obtain the restoration of the whole original colony, as far as it was in the power of Spain to restore it. But there was a part of the original colony, which had been ceded by France to England, which had, in process of time, become a part of the Unit-

ed States, and which not being then in the hands of Spain, she could not restore. There was another part which had been ceded by France directly to Spain, which still remained in her hands, but subject to certain conditions stipulated by Spain, in a treaty with the United States; and there was a third part which France had ceded to England, in 1762, but which had afterwards fallen into the hands of Spain, and which she was equally competent to restore, as if it had been ceded by France to herself. As the boundaries of this colony or Province never had been precisely defined, and had been, from its first settlement, a subject of dispute between France and Spain, the parties had no means of recurring to any former definition of boundaries, to carry their intention into effect; as they had no geographical lines or landmarks to which they *could* recur. They assumed their definition from circumstances incidental to the present and past time. If the intention had been to cede back the *province*, only with the extent it actually had in the hands of Spain, the parties would have said so, and omitted the other clause, which, in that case, would have been not merely superfluous, but tending to perplex that which would have been clear without them. If it had been intended that Spain should restore to France, only what she had received from France, nothing could have been more clear and easy than to have said so; but then, the reference to the extent of the *colony*, when France possessed it, would have been not merely absurd, but contradictory to that intention. The very use of both the terms, *province* or *colony*, shows that the parties were looking to the original state, as well as the actual condition of the territory to be restored. Louisiana, the actual Spanish *province*, was one thing, and Louisiana, the original French *colony*, was another: the adoption of both the words, is of itself a strong presumption, that the intention was to restore, not only the actual province, but so much

of any other province as was then in the hands of Spain, and had formed part of the original French colony.

Assume the intention of the parties to have been that for which we contend, and under the existing circumstances they could scarcely have expressed it by any other words than those which are found in the article. Assume that they had any other intention, and you can find no rational meaning for their words. The province was to be restored, with the extent it actually had in the hands of Spain : the colony was to be restored, with the extent it had when formerly possessed by France. Spain could not restore the parts of the original colony which were not in her actual possession, and which already formed parts of the western states and territories of this Union ; but she could restore that part of the colony, of which she had become possessed by a treaty of 1783, with Great Britain. Mr. Cevallos urged with some earnestness, that the first clause having marked the extent of the colony or province, such " as it then had in the hands of Spain," it would be inconsistent and absurd to suppose, that the words " and that it had when France possessed it," could be intended to mark a greater extent, because it would be saying in one breath, that the cession was of the *same* extent, and of *more* than the same extent, that it had in the possession of Spain. But there is no absurdity or inconsistency in modifying, by one clause of a definition, an extent described in another clause of the same definition ; no more than, in the description of a surface, the line in breadth is inconsistent with the line in length. According to this argument of Mr. Cevallos, the words " and that it had when France possessed it," had no meaning at all ; they merely repeated what had been fully and completely expressed by the preceding clause ; but, if they had no meaning, what possible motive could the parties have for inserting them, when it must have been perfectly familiar to the memory of both, that the extent of the

province or colony, when in the hands of France, had included West Florida to the Perdido, which territory was also then in the actual possession of Spain. If it were possible to suppose that the ministers of France and Spain, in the very article defining the extent of the country to be conveyed, could have been so careless as to admit an idle waste of words, the very composition of this article carries internal evidence with it, that no such improvidence is imputable to those by whom it was drawn up. The reference to the extent of the colony in the primitive possession of France, could not be to a time when the property of it had been no longer hers. It could not be to say over again what had been said in the immediately preceding clause: every word of the description carries with it evidence of deep deliberation and significancy. The first clause marks the intention of the parties, by the incident of actual possession by Spain; all of which was to be restored; the second clause modifies by enlarging the extent, from the incident of original possession by France; and the third clause modifies, by restricting the grant to the conditions which Spain had stipulated concerning the territory, with other states. Altogether, the clear and explicit meaning of the whole article is, that Spain should restore to France as much of old French Louisiana as she had to restore; but under such restrictions as the engagements contracted by Spain with other powers required of her good faith to secure.

Let us pass to the consideration of the western boundaries of Louisiana.

With the notes of Messrs. Monroe and Pinckney to Don Pedro Cevallos, of 28th January, 1805, a memoir upon these boundaries was presented to that minister, proving that they extended eastward to the Perdido, and westward to the Rio Bravo, or Grande del Norte. They observed in that note, that "the facts and principles which justify this conclusion, are so satisfactory to their government,

as to convince it that the United States have not a better right to the Island of New Orleans, under the cession referred to, than they have to the whole district of territory thus described."

In their note of the 20th April, 1805, to the same minister, replying to this argument in support of the pretensions of your government with regard to these limits, they lay down and establish, by a chain of reasoning, which neither Mr. Cevallos, at the time, nor your government, at any period since, have attempted to break, three principles, sanctioned alike by immutable justice, and the general practice of the European nations, which have formed settlements and held possessions in this hemisphere; and by the application of which to the facts also stated in their note, this question of the western boundary ought then to have been, and eventually must be settled. These principles were,

First. "That, when any European nation takes possession of any extent of sea coast, that possession is understood as extending into the interior country, to the sources of the rivers emptying within that coast, to all their branches, and the country they cover, and to give it a right in exclusion of all other nations to the same."

Secondly. "That whenever one European nation makes a discovery and takes possession of any portion of this continent, and another afterwards does the same at some distance from it, where the boundary between them is not determined by the principle above mentioned, that the middle distance becomes such of course."

Thirdly. "That whenever any European nation has thus acquired a right to any portion of territory on this continent, that right can never be diminished or affected by any other power, by virtue of purchases made by grants or conquests of the natives, within the limits thereof."

The facts stated in this last mentioned note, and to which these principles were applied in support of the claim of the

United States, under the cession of Louisiana by France to them, were,

1. That the Mississippi in its whole length to the ocean, was discovered by French subjects from Canada, in 1683.

2. That La Salle, a Frenchman, with a commission and authority from Louis XIV. discovered the bay of St. Bernard, and formed a settlement there, on the western side of the river Colorado, in the year 1685, and that the possession thus taken, in the bay of St. Bernard, in connexion with that on the Mississippi, had always been understood, as of right it ought, to extend to the Rio Bravo.

3. That this boundary, thus founded upon possession, was described as forming the limits of Louisiana, in the grant by Louis XIV. to Crozat in 1712.

4. That it was supported by the testimony of the historical writers, Du Pratz and Champigny; by an historical and political memoir on Louisiana, written by the count de Vergennes, the minister of Louis XVI.; by a chart of Louisiana, published in 1762, by Don Thomas Lopez, geographer to the king of Spain; and by a map of De Lisle, of the academy of Sciences, at Paris, revised and republished there in 1782.

To these principles, thus clear, equitable, and explicit—to these facts, thus precise, authentic, and unsophisticated, what was opposed by Don Pedro Cevallos at that time, and what is now alleged by you?

Mr. Cevallos began by admitting that the western limits of Louisiana had never been exactly fixed; and alleged, that in the year 1690, five or six years after the possession taken and the settlement formed by La Salle, captain Alonzo de Leon, under a commission from the viceroy of Mexico, examined the bay of Espiritu Santo (St. Bernard) took possession of the territory, and founded the mission of St. Francisco de Texas. Mr. Cevallos asserted, that *it would be very easy to make it appear, that France never*

had claimed this extent for Louisiana, but he did not make it appear. He also said that if France had claimed it, Spain had never recognized, and was not bound to acknowledge the claim.

Mr. Cevallos said, that the limits between Louisiana and the Texas had always been *known*, even when the French possessed Louisiana ; but he had just before acknowledged, that they had never been fixed. He spoke of missions founded near the beginning of last century by the venerable Margel, of the order of St. Francisco ; he alluded to plans and documents, and historical relations, which were not to be found in his department, but many of which, he added, were in the department of the interior, besides those which were in the viceroyalty of Mexico. But he never pretended a possession, by Spain, of territories in question, of an earlier date than 1690.

And what are these plans, and documents, and historical relations, which, after the lapse of thirteen years, you have drawn forth from all the archives of Spain, and all the historical disquisitions, upon the discovery and conquest of the New World ? Is it to that catalogue, biographical and geographical, of Spanish adventurers, and of the numberless regions explored by them in the sixteenth century, which swells your note of the 5th of January, that we are to look for the limits of Louisiana and of Texas ? Or is it to that " Royal ordinance issued by Philip the Second, enjoining the extermination of all foreigners who should dare to penetrate into the Gulph of Mexico," by virtue of which the viceroy fitted out the expedition to scour the country, and *hunt out* the French of La Salle's settlement ; is it to that royal order that you appeal for proof of the prior title of Spain ? It is even so. But, as the voyages of Ponce de Leon in 1511, of Francisco de Garay in 1518, and of Hernando de Soto in 1538, have no more bearing upon this question than the voyages of Christopher Columbus and Sebastian Cabot, so

you must be sensible that the royal exterminating order of Philip the Second, if it proved any thing, would prove fatal to the whole province or colony of Louisiana. If that order *could* have been carried into execution, no such colony as that of Louisiana could ever have been established by France. That order, and any proceeding of the viceroy of Mexico under it, can no more affect the right of the United States to the limits marked by the settlement of La Salle, than it can impair their title to the Island of New Orleans. Far more honorable would it be, Sir, to the character of your nation and the credit of your government, to bury, in the profoundest oblivion, the memory of that atrocious order, than at this day to produce it, for the purpose of bolstering up a title, for which you have in vain ransacked the records of the Spanish monarchy to discover a better support.

To the efficacy, however, of this royal order, your whole argument, in behalf of the pretensions of your government, perpetually recurs ; for, although in some passages of your note, you appear disposed to allow to the colony of Louisiana, at least the eastern banks of the Mississippi, yet you are as frequently shrinking even from this concession, and representing the whole colony as an encroachment upon the dominion in Spain ; at one time representing it as a profound stratagem of Louis the Fourteenth, seizing with rapacious avidity, the unsuspecting moment of confidence of his grandson, Philip the Fifth, while placing him upon the throne of Spain : and at another, holding it up as the act of a disordered imagination of the same Louis the Fourteenth, manifested in the grant of 1712, to Crozat. This grant you pronounce to be absurd and completely despicable ; but for what reason it is not easy to conjecture. It certainly does not favor the pretensions of your government, and it has none of the exterminating features of the royal order of Philip the Second ; but we consider it, as it has always been considered by the world, as a document, not

only indicative of sound judgment and discretion, but as marking the limits of Louisiana, as always claimed by France, and transferred, as relates to the western limits, with her title to that province, to the United States.

It is remarkable, that, in imitation of Mr. Cevallos, you also, after repeatedly insisting that the boundaries of Louisiana were well known, and always acknowledged by France, finally conclude by admitting that they never were fixed or agreed upon. You repeat, time after time, that the French *never disputed* the right of Spain to all the territory westward of the Mississippi, while you cannot deny the settlement of La Salle at the Bay of St. Bernard, in 1684 ; nor that the French settlements of Natchez and Natchitoches were made and maintained in spite of all the military expeditions, rigorous executions, and exterminating orders, which the viceroy of Mexico could send against them.

We may admit that, so long as the Spanish viceroys could exterminate every foreigner who dared to penetrate into the Gulf of Mexico, they had the royal order of Philip the Second for so doing. The bull of Pope Alexander the Sixth is a document of still earlier date, and at least of less disgusting import, upon which Spain once rested her claims to yet more extensive dominions in this western world. With equal show of reason, and with less outrage upon the rights of humanity, might you have alleged that bull as the incontrovertible proof of the Spanish claims, as to bring forth at this day, for its only substitute, that royal order of Philip the Second.

You know, Sir, and your own notes furnish, themselves, the most decisive proofs, that France, while she held the colony of Louisiana, never did acknowledge the Mississippi as the western boundary of that province. The claim of France always did extend westward to the Rio Bravo, and the only boundaries ever acknowledged by her, before the cession to Spain of 3d Nov. 1762, were

those marked out in the grant from Louis the Fourteenth to Crozat. She always claimed the territory which you call Texas, as being within the limits, and forming part of Louisiana; which, in that grant, is declared to be bounded westward by New Mexico, eastward by Carolina, and extending inward to the Illinois and to the sources of the Mississippi, and of its principal branches.

Mr. Cevallos says, that these claims of France were never admitted or recognized by Spain. Be it so. Neither were the claims of Spain ever acknowledged or admitted by France: the boundary was disputed and never settled; and here is a simple statement of the grounds alleged by each of the parties in support of their claims:

On the part of the United States.

1. The discovery of the Mississippi, from near its source to the ocean, by the French from Canada, in 1683.

2. The possession taken and establishment made by La Salle, at the bay of St. Bernard, west of the rivers Trinity and Colorado, by authority from Louis the Fourteenth, in 1685.

3. The charter of Louis the Fourteenth to Crozat, in 1712.

4. The historical authority of Du Pratz and Champigny, and of the count de Vergennes.

5. The geographical authority of De Lisle's map; and especially that of the map of Don Thomas Lopez, geographer to the king of Spain, published in 1762.

These documents were all referred to in the letter from Messrs. Pinckney and Monroe to Mr. Cevallos, of 20th April, 1805. Since which time, and in further confirmation of the same claims, the government of the United States are enabled to refer you to the following.

6. A map published by Homann, at Nuremberg, in 1712.

7. A geographical work, published in 1717, at London,

entitled *Atlas Geographicus, or a Complete System of Geography, Ancient and Modern*; in which the map of Louisiana marks its extent from the Rio Bravo to the Perdidó. In both these maps, the fort built by La Salle is laid down on the spot now called Matagorda.

8. An official British map, published in 1755, by Bowen, intended to point out the boundaries of the British, Spanish, and French colonies in North America.

9. The narrative published at Paris, of Hennepin, in 1683; of Tonti, in 1697; and of Joutel, in 1713.

10. The letter from colonel La Harpe to Don Martin D'Alarconne, of 8th July, 1719. (A. 1. B. 2.)

11. The order from the French governor of Louisiana, Bienville, to La Harpe, of the 10th August, 1721. (C. 3.)

12. The geographical work of Don Antonio de Alcedo, a Spanish geographer of the highest eminence: this work and the map of Lopez having been published after the cession of Louisiana to Spain, in 1762, afford decisive evidence of what Spain herself considered as the western boundary of Louisiana, when she had no interest in contesting it against another state. (D. 4.)

On the part of Spain.

1. The voyages of Ponce de Leon, Vasquez de Ayllon, Panfilo de Narvaez, Hernando de Soto, Luis Moscoso, and other Spanish travellers, in the sixteenth century, who never made any settlement upon any of the territories in question; but who travelled, as you observe, into countries too tedious to enumerate.

The establishment of the new kingdoms of Leon and Santander, in 1595, and the province of Coahuila in 1600.

3. The province of Texas, founded in 1690.

Here you will please to observe begins the conflict with the claims of France to the western boundary of Louisiana, transferred by the cession of the province to the United

States. The *presidios*, or settlements of Las Texas were, by your own statement, adverse settlements to that of La Salle, who, six years before, had taken formal possession of the country in the name of, and by authority of a charter from, Louis Fourteenth. They were preceded by an expedition from Mexico the year before, that is, 1689, to *hunt out* the French remaining of the establishment of La Salle. Now, what right had the viceroy of Mexico to hunt out the French who had formed a settlement under the sanction of their sovereign's authority? You will tell me, that from the time when Santa Fe, the capital of New Mexico, was built, *Spain considered* all the territory east and north of that province, as far as the Mississippi and the Missouri, as her property; that the whole circumference of the Gulf of Mexico was hers; and that Philip the Second had issued a royal order to exterminate every foreigner who should dare to penetrate to it; so that the whole question of right between the United States and Spain, with regard to this boundary, centres in this—the naked pretention of Spain to the whole circumference of the Gulf of Mexico, with the exterminating order of Philip the Second on one side, and the actual occupancy of France, by a solemn charter from Louis Fourteenth, on the other. Well might Messrs. Pinckney and Monroe write to Mr. Cevallos, in 1805, that the claim of the United States to the boundary of the Rio Bravo was as clear as their right to the island of New Orleans.

In the letter of Messrs. Pinckney and Monroe to Mr. Cevallos of the 20th of April, 1805, referring to the historical documents relative to the discovery and naming of Louisiana, they state that the Mississippi was discovered, with “its waters and dependant country as low down the river as the Arkansas, by the Sieurs Joliet and Marquette, from Canada, as early as the year 1673, and to its mouth by the father Hennepin, in 1680; and by De la Salle and Tonti, who descended the river with sixty men to the

ocean, and called the country Louisiana, in 1682; and in respect to the bay of St. Bernard in 1685." That this was done at these periods in the name and "under the authority of France, by acts which proclaimed her sovereignty over the whole country, to other powers in a manner the most public and solemn, such as making settlements and building forts within it."

To this Mr. Cevallos made no reply in 1805. But you, after giving an account of the murder by Spaniards of René de Laudonniere, observe, that "the story related of a Recollect Friar, called Father Hennepin, is still more *ridiculous*, who is said to have been made a prisoner by the Indians at the time they were at war with the French of Canada, and taken to the Illinois, whence he was occupied in exploring the country as far as the banks of the river St. Louis or Mississippi, of which he took possession in the name of Louis the Fourteenth, and gave it the name of Louisiana, (doubtless in his secret thoughts and by a mere mental act.)" You add, that these accounts and others of a like nature are "contemptible in themselves, even although the facts they relate were authentic, since nothing can be inferred from them that can favor the idea started by those who speak of those transient adventures and incursions."

I have in my possession, Sir, and it shall, when you please, be subject to your inspection, a volume, published at Paris in the year 1683, the title of which is, "*Description de la Louisiane, nouvellement decouverte, au Sud-Ouest de la Nouvelle France, par ordre du Roy, dédiée a sa Majesté. Par le R. P. Luis Hennepin, Missionnaire Recollect et Notairo apostolique.*" (Description of Louisiana recently discovered to the south-west of New France, *by order of the king*. Dedicated to his Majesty by the Rev. Father Louis Hennepin, a Recollect missionary and apostolic notary.) In the preface to the king, the author says—"Sire, I should never have dared to take the

liberty of offering to your Majesty the narrative of a new discovery, which the Sieur de la Salle, governor of Fort Frontenac, my companions and myself, have just made to the south-west of New France, if it had not been undertaken by your orders." "We have given the name of Louisiana to this great discovery, being persuaded that your Majesty would not disapprove that a part of the earth watered by a river of more than eight hundred leagues, and much greater than Europe, which may be called the delight of America, and which is capable of forming a great empire, should henceforth be known by the august name of Louis, that it may thereby have a sort of right to your protection, and hope for the advantage of belonging to you."

Now, Sir, permit me to request you to compare this authentic statement with that perversion of all historical evidence, by which you have styled and have attempted to make the story of Father Hennepin's discovery of Louisiana ridiculous. Here is a book published at Paris, dedicated to Louis the XIVth, at the most glorious period of his reign, declaring to the world the discovery of Louisiana—declaring that it was made by his orders, and called by his name, for the express purpose of entitling it to become his property. Is this contemptible? Is this a secret thought, or a mere mental act? Is this a transient adventure or incursion? And, after calling this information too vague and uncertain, upon which to found a title, can you talk of the rights of possession derived to Spain from the travels of Ponce de Leon, Francisco de Garay, and Vasquez de Ayllon?

Your view of the expeditions and adventure of La Salle is equally remote from the real and well authenticated facts. "Let us see," you say, "what importance can be attached to what is said of Bernard [Robert] de la Salle, who in 1679 descended from Canada to the Mississippi, and there built Fort *Crevecœur*, according to Mr. du Pratz, or Fort

Prudhomme, according to others. *What is certain*, amounts to this, that he only made a rapid incursion from Canada to the Mississippi, as any other adventurer might do, *crossing the territories of another nation*; that he returned to Quebec, without any further result, than that of an imperfect exploration of the country, and that he embarked at Quebec for France, from whence he returned in 1684, with an expedition composed of four vessels, commanded by captain Beaujeu, to explore the mouth of the Mississippi, &c." In this passage you represent,

1. The facts attending the expedition of La Salle as *uncertain*.

2. That he only made a rapid incursion, as a private adventurer, and so far as related to his exploring expedition, with an imperfect result.

3. That he only went from Canada to the Mississippi, and thence returned to Quebec, whence he embarked for France.

4. That he only crossed the territories of another nation, (meaning Spain.)

I examine this part of your note, with a minuteness, which will be tedious to you, because it is precisely upon the character of La Salle's expeditions that the grant of Louisiana to Crozat, by Louis the XIVth, is in express terms founded; because you have represented these expeditions in the colours thus marked, with the avowed purpose of weakeniug the original title of Louisiana, and because you know that the characters, diametrically opposite, which I shall now prove to have belonged to them, must lead to the result of an incontestible title, in France, and consequently, at this time, in the United States. I answer the above insinuations, in the order in which they have been stated.

There are three narratives of the expeditions of La Salle, all published at Paris, by persons who accompanied him in them.

The first in 1683, by father Louis Hennepin ; the same volume from which I have already presented you an extract.

The second by the chevalier *Tonti*, governor of Fort St. Louis, at Illinois, published in 1697.

The third by Joutel, who was with him in his last expedition, and almost by his side when he fell by the hands of an assassin.

Of all the heroic enterprizes, which in the sixteenth and seventeenth centuries signalized the discoveries by Europeans upon this continent, there is not one, of which the evidence is more certain, authentic, and particular, than those of La Salle.

La Salle, after having residing many years in Canada, as governor of fort Frontenac, formed the project of exploring the country from thence to the Gulph of Mexico, and taking possession of it, in the name of his sovereign. He went to France for the purpose of obtaining the royal sanction to his enterprize ; “ his majesty, (says Tonti,) not content with merely approving his design, caused orders to be given to him, granting him permission to go and put it in execution ; and, to assist him to carry so vast a project into effect, shortly after, the necessary succours were furnished him, with entire liberty to dispose of all the countries which he might discover.”

He sailed from La Rochelle the 14th July, 1678, and arrived at Quebec the 15th of September. On the 18th of November, of the same year, he left fort Frontenac, to proceed upon his expedition, with thirty men, Tonti and Father Hennepin being of the company. After spending more than a year in traversing the four Lakes, now known by the names of Ontario, Erie, Huron, and Michigan, and erecting forts at suitable places, where he landed from them ; he embarked upon the Illinois river, and having descended it for some distance, was obliged to stop, from the disappointment of losing a boat from which

he expected supplies. Here, upon the Illinois river, he built fort Crevecoeur—divided his company into two separate parties, one for ascending the Mississippi to its source, and the other for proceeding down that river. Father Hennepin was of the former of these parties, and in their progress upwards, which they accomplished higher than the falls of St. Anthony, was taken prisoner by the Indians, and, after some time, was released by them; found his way back to Quebec, and thence returned to France, and published the book of which I have spoken. In this book, published in 1683, at Paris, and marked as having been finished printing the 5th of January, of that year, three months before La Salle had reached the mouth of the Mississippi, there is a map of the river as far down as Hennepin descended it, after he parted from La Salle, and upwards, to the Falls of St. Anthony, and the river St. Francis, above them; at some distance above which, within a few leagues of its source, is the Oak Tree upon which the arms of France were carved, by the detachment from La Salle's expedition, authenticating with the most minute precision the discovery of the Mississippi, to within a small distance of its source, as well as its course to the Gulf of Mexico. On the same map are also marked the fort at the Miamies, and that of Crevecoeur, on the Illinois river, constructed by La Salle's orders.

In the mean while La Salle was obliged to leave the other part of his company, under the command of Tonti, and go back to Fort Frontenac for the supplies and reinforcements which had failed him by the loss of his boat. He returned and joined them again in November, 1682, proceeded down to the Mississippi, and to the mouth of the Wabash, where they built the fort Prudhomme, which you have confounded with that of Crevecoeur, after which they continued descending and successively meeting the Cappa, Arkansas, Tensas, Abenake, Tacucas, and Natchez Indians, and, on the 7th of April,

1683, reached the mouth of the Mississippi, where, after the religious solemnity of a Te Deum, they took formal possession of the country, erected a cross, fastened the arms of France upon a tree, and built several huts, which they surrounded with suitable intrenchments. La Salle having thus accomplished the object of his expedition, returned the same way, ascending the river, to his fort of Prudhomme, which he reached on the 12th of May, and where he was some time detained by sickness. "On his arrival at Quebec (says again Tonti,) he informed the whole city of his great discoveries, and of the voluntary submission of so many different Indian nations to the power of the king. A Te Deum was celebrated as a thanksgiving for this happy accession to the glory of the crown. The eagerness of Mr. La Salle to go and make known to the king and his ministers the success of his travels, obliged him to hasten his departure. He left Canada in the beginning of October, 1683." On his return to France he was received with many marks of distinction by the king and his ministers, and a new expedition was fitted out of four vessels and nearly three hundred persons, for the purpose of forming a colony at the mouth of the Mississippi. One of these ships was a frigate of the king, of 40 guns, commanded by Mr. de Beaujeu, in which La Salle himself, his brother Cavalier, and the principal persons belonging to the expedition embarked. Another was a smaller armed vessel, which the king had given to La Salle. The third, a flute of three hundred tons, laden with all the articles necessary for the settlement of the country; and the fourth, a small sloop of 30 tons, freighted for St. Domingo, where the expedition stopped in its way, but before their arrival at which, this last vessel was taken by Spanish cruisers. This expedition sailed from La Rochelle on the 24th of July, 1684.

They failed in finding the mouth of the Mississippi,

their destination ; an accident similar to that which had happened to the first settlers of New England ; and after many disasters, landed and built a fort in February, 1685, at the head of the bay of St. Bernard, or, as they call it, of St. Louis, and westward of the river Colorado. Beaujeu returned with the frigate to France ; the two other vessels were lost in the bay ; and La Salle, after several unsuccessful attempts to find the Mississippi, on the 12th of January, 1687, left at his fort twenty persons, including seven women, under the command of Le Barbier, and took his departure with sixteen others, to go by land to the Illinois, and thence through Canada to France, to seek further reinforcement and supplies. On this journey he was basely assassinated on the 19th of March, 1687, by two of his own men, and left a name among the illustrious discoverers of the new world, second only to that of Columbus, with whose history and adventures, his own bear, in many particulars, a striking resemblance. His brother Cavelier, however, with Joutel, father Anastase, and several others of the party with whom he had commenced the journey, successfully accomplished it, arrived at the French fort at Illinois, where they found Tonti still in command, after having again been down to the mouth of the Mississippi, conformably to his orders from La Salle, to meet the expedition from Europe, and, after waiting some time there, returning to his post. From the fort at the Illinois, Cavelier, Joutel, and father Anastase, proceeded to Quebec, and thence returned to France, where they arrived in October, 1688, and where Joutel published the narrative of the expedition, to which I have referred.

From this work of Joutel it likewise appears, that the fort and colony left by La Salle, at the westward of the Colorado, was destroyed ; not, as you state, by the Indians, but by the Spaniards from Mexico, who, until that time, had never any settlement of any kind nearer than

Panuco, and who, by your own account, had no other right or authority for this act, than the royal order of Philip the Second, to exterminate all foreigners penetrating into the Gulph of Mexico.

The settlement of La Salle, therefore, at the head of the bay of St. Bernard, westward of the river, which he called *Riviere aux Boeufs*, but which you call Colorado of Texas, was not, as you have represented it, the unauthorised incursion of a private adventurer into the territories of Spain, but an establishment having every character that could sanction the formation of any European colony upon this continent; and the viceroy of Mexico had no more right to destroy it by a military force, than the present viceroy would have to send an army and destroy the city of New Orleans. It was a part of Louisiana discovered by La Salle under formal and express authority from the king of France; and the royal exterminating order of Philip the Second was but one of the multitude of sanguinary acts which signalized the reign and name of that monarch, while the name of La Salle is entitled to stand high in the glorious roll of benefactors of mankind. After this statement, founded upon the most authentic documents, the foundation of the presidio of Texas, in 1693, was, by your own showing, an unlawful encroachment upon the territories of France, which, by the first of the three principles laid down by Messrs. Pinckney and Monroe at Aranjuez, and above referred to, extended on the coast of the Gulph of Mexico, half way to the nearest Spanish settlements of Panuco, namely, to the Rio Bravo.

Your "thorough investigation" of the history of the original French settlements at the Illinois and the Arkansas, is as unfortunate, and as wide from the facts, as all the rest of your dissertation upon the history of Louisiana. The following translated extracts from the work, entitled "*Dernieres Decouvertes, dans l'Amerique Septentrionale*

de M. de la Salle, mises au jour par M. le Chevalier de Tonti, gouverneur du fort St. Louis aux Illinois." (Last discoveries in North America of M. de la Salle, published by the chevalier Tonti, governor of fort St. Louis, at the Illinois, Paris, 1697,) will furnish you more correct ideas upon the subject.

When La Salle left his Fort Crevecoeur, on the 8th of November, 1680, to go back to Canada for supplies, "on the third day (says Tonti) he arrived at the great village of the Illinois, where, after having observed the situation of the country, in the midst of several nations of the Miamis, Kickapoos, Ainoos, Mescontaws, and several others, watered by a beautiful river, he thought that he ought to build a fort upon a height commanding the whole country, as well to make himself master of all these different tribes, as to serve as a retreat and a rampart for our French people." (p. 94.) M. de la Salle, after learning that his boat was "lost, was not in the least discomposed, but wrote to me immediately, sent me with his letter the plan of the fort that he had designed, and ordered me to come and set to work upon it without delay." Tonti accordingly went and began the building of the fort, which, from various untoward events, he was soon obliged to abandon. La Salle, afterwards, before re-joining Tonti to proceed down the river, went to the new fort and left several workmen to continue, and some soldiers to guard it. But it was upon his return from the mouth of the Mississippi, on leaving Michilimackinac to go to France, that he gave orders to Tonti to finish the fort.

"He charged me with the duty to go and finish fort St. Louis, of which he gave me government, with a full power to dispose of the lands in the neighbourhood, and left all his people under my command, with the exception of six Frenchmen, whom he took with him to accompany

him to Quebec. We departed on the same day, he for Canada, and I for the Illinois."

Tonti accordingly finished the fort, round which a regular and rapid settlement was formed; and a new governor of Canada having displaced him in the command of the fort, he was restored to it through the influence of La Salle, by a regular commission from the king, Louis the fourteenth.

So much for the settlement of the Illinois. You have seen that when La Salle, in 1683, returned to France to fit out the new expedition for the mouth of the Mississippi, he ordered Tonti, at the proper time, to go down from fort St. Louis and meet him there. In the autumn of 1684, Tonti was informed by the governor of Canada, that La Salle had sailed from La Rochelle with four ships for the Gulf of Mexico. He, therefore, took with him forty men from fort St. Louis, and went down the river to the Gulf, where he waited until Easter Monday, 1685, for La Salle's arrival. He was obliged to go back disappointed, and on his way upwards, when he came to the Arkansas, he says, "My French companions, delighted with the beauty of the climate, asked my permission to settle there. As our intention was only to humanize and civilize the savages, by associating with them, I readily gave my consent. I formed the plan of a house for myself at the Arkansas. I left ten Frenchmen of my company there, with four Indians, to proceed with the building, and I gave them leave to lodge there themselves, and to cultivate as much of the land as they could clear." This little colony has since then so much increased and multiplied, that it has become a resting place for the Frenchmen who travel in that country."

I trust, Sir, we shall hear no more of the independent and unconnected Indian colonies of the Illinois and the Arkansas; nor of the *pretended* settlements of the French there.

You consider the charter of Louis the XIVth to Crozat, as a solitary document, warranted by nothing that had preceded, and supported by nothing that followed it, and you appear to believe that the first expedition to Louisiana, was that of 1699 and 1700. I have shown you, Sir, that that expedition was fitted out, as it is represented in the grant to Crozat, merely to carry into execution the project originally formed by La Salle. The Mississippi, from near its source to the ocean, had been discovered by him in an expedition mediated by him for many years before, for which he had obtained the authority from Louis the XIVth, through the influence and patronage of Colbert. The expedition of Joliet, in 1673, Hennepin says, was only an envious rival attempt, to forestal the great design which was even then known to be intended by La Salle, and for which he had already been making laborious and expensive preparations. Joliet reached the Mississippi, and returned without making any other discovery or any settlement; but La Salle's undertaking has every characteristic of sublime genius, magnanimous enterprize, and heroic execution. To him, and to him alone, the people of this continent are indebted for the discovery, from its source to the ocean, of the Mississippi, the father of the floods; and of the numberless million of freemen destined in this and future ages to sail on his bosom, and dwell along his banks, and those of his tributary streams, there is not one, but will be deeply indebted for a large portion of the comforts and enjoyments of life, to the genius and energy of La Salle.

It was in the order of Providence, that he should not live to accomplish the whole of his undertaking, but that he should so nearly accomplish it, as to place it beyond the power of events, that it should perish with him. His project was revived immediately after the peace of Ryswick, and settlements were effected by d'Iberville and his brother, near the mouth of the Mississippi, upon the Gulf

of Mexico. They languished, as they naturally must, during the war of the Spanish succession. The grant to Crozat, after a very few years, was transferred to the Mississippi company, and soon after the peace of Utrecht, the city of New Orleans was founded.

There is no doubt, that if the viceroy of Mexico could have exterminated d'Iberville and his expedition, no French settlement on the Gulf would have been made. The Spanish establishment at Pensacola had been made only one month before he arrived there, and solely for the purpose of preventing him. The Spaniards protested even against his entering the Mississippi. So it was afterwards, when the French settlement was made at Natchitoches. Immediately afterwards was founded the post at Adaes. Wherever a Frenchman took a seat, there appeared a Spaniard from Mexico to dispute his right to it; but the original usurpation, which vitiated all those that followed, was the foundation of the Presidio of Texas, after extirpating the settlement of La Salle at the Bay of St. Bernard. And so far was France from renouncing or abdicating any part of the right asserted in the charter to Crozat, that, under the Mississippi company, Mr. de Bourman was appointed, with a salary as commandant on the Missouri, and Bernard la Harpe commandant for the Bay of St. Bernard. In August, 1724, he went there, and left a new impression of the arms of France, as a continued assertion of the title. A vessel commanded by Berenger, had been sent there, and had left a sergeant and three men the year before. The correspondence between De La Harpe and d'Alarconne, shows the respective claims both of France and Spain at that time, nor do they appear to have been, nor have you exhibited any document to show that they had been in any manner varied, until the cession of the province to Spain, in November, 1762.

You affirm, that "from the year 1693 the province of Texas has continued in perfect tranquillity under the

Spanish government, and no further attempts were made by the French to penetrate into any part of it." The letter of M. de la Harpe, to Don Martin D'Alarconne, of 8th July, 1719, is sufficient to refute this assertion.

You assert, that the French settlements of Natchez and Natchitoches were made only through the sufferance or permission of the Spanish governors, for the sole purpose of trading with the Indians. We say that you have not a particle of evidence to support this assertion, and that the whole tenor of the historical evidence is to the contrary; that the post of Natchitoches, particularly, was established with the deliberate purpose of preventing a Spanish establishment there, and that the mission of St. Michel to the Adaes was founded after it, and in opposition to it. You admit, yourself, that, although positive orders were issued by the Spanish governors, to drive the French from the whole district, and to destroy both the posts of Natchez and Natchitoches; yet the officer charged with the execution of the orders, after advancing with a sufficient force for that purpose, acceded to the proposals of the French at Natchitoches, that Arroyo Hondo, midway between Natchitoches and Adaes, should be considered as the dividing line, until the determination of the two courts; which state of things you say continued until the cession of Louisiana to Spain in 1762. What clearer proof could be required, that the French never renounced their claim to the countries watered by the Mississippi and its branches; and that Spain has nothing to oppose to that claim, which she might not with as much force oppose to the right of France to every other part of the colony of Louisiana?

You allege, that, upon the cession of Louisiana to Spain, a memoir of its proper extent and limits was drawn up by Mr. Kerlet, who had been many years governor of the province, and delivered by the duke de Choiseul to the Spanish ambassador at Paris, as a supplement to the

act of cession. That this memoir contained a description of its proper extent and limits, and *agrees substantially* with your assertions. Permit me to observe, that had you produced the memoir itself, it might have been a subject of reply or of remark ; that, not having produced it, you cannot expect it should be considered as possibly differing in substance from the charter of Louis the Fourteenth, by which alone Louisiana had been held, or from the subsequent memoir of the Count de Vergennes ; and that the rights of the United States can as little be affected by secret memoirs, as by imaginary treaties or exterminating royal orders of Philip the Second. With regard to your offer of further demonstrations of the Spanish title, if they are of the like description with these, you will do well to spare yourself and me the waste of time, which it would take to produce and to notice them. You have the goodness to inform me, in the name of the king, your master, that Spain has an indisputable right to all the right bank of the Mississippi, but that his Majesty has resolved to claim it, solely with a view to adhere to the *uti possidetis* of 1764. If, Sir, you will exhibit *any* evidence of right in Spain to the right bank of the Mississippi, it will be considered by the government of the United States with all the attention to which it can be entitled. In the mean time you cannot but perceive that this pretension is utterly incompatible both with that advanced in another part of your note of a right in Spain to the whole circumference of the Gulf of Mexico, and with that to the *uti possidetis* of 1764.

The question of disputed boundaries between European settlements in America, is not new. From the nature of those settlements, the imperfect geographical knowledge possessed by all the parties to them, of the countries where they formed their establishments, and the grasping spirit by which they were all more or less animated in forming them, it was inevitable that disputed

boundaries should be an appendage to them all. Of this spirit of boundless ambition, Spain gave the most memorable example by the original pretension of engrossing to herself the whole American hemisphere. The common sense and common feeling of mankind could not and did not long tolerate this assumption. With what lingering reluctance, and by what ungracious gradations, Spain was compelled to recede from it, is notorious in the annals of the last three centuries ; but it is among the most curious characteristics of your notes, to show, that she clings to these long exploded pretensions still. You have not scrupled, even at this day, to style the most ancient settlements of other European nations in America, “ attempts to disturb the Spaniards in their possessions in the New World.”

You recal to mind with exultation, as if pointing to the most splendid monuments of Spanish glory, the ferociousness with which they attacked, and made prisoners, and put to death, and overthrew, dissipated, and destroyed the forts and settlements of Francis Ribaut, and René de Laudonniere, the companion of Coligny. You recite with triumph the expedition of Alonzo de Leon, to scour the country and hunt out the wretched remnant of the brave and enterprising but unfortunate La Salle’s establishment. You record, as one of your proudest title-deeds, the rigorous execution of the sentence of a court martial upon the Spanish governor of Adaes, Sandoval, for yielding a musket shot’s length of ground to the French governor of Natchitoches, suffering under the calamity of an inundation. You call the whole colony of Louisiana an *intrusive establishment*, style the authentic charter of Louis the Fourteenth the absurd and despicable act of a disordered imagination ; assert more than once a right of Spain to the whole circumference of the Gulf of Mexico, and talk of the territory and dominions of the crown of Spain,

as if we were living in the age of Ferdinand the Catholic, or of Charles the Fifth.

To all such pretensions on the part of Spain, I am directed to inform you, that the United States can never accede. The president is willing to hope that the time will come, when your government will become sensible of the uselessness of resorting to them.

From the time when the establishments of European nations on these continents became common, and their respective claims of territory under the charters of their sovereigns were found to interfere with one another, reason, justice, and necessity concurred in pointing out to them certain rules and principles for the adjustment of their conflicting claims. By these rules and principles, we are willing that the question of the western boundary of Louisiana may be decided. Till Spain, who has repeatedly acceded to them heretofore, shall be prepared to abide by them on this occasion, it will be of little avail to pursue a discussion, upon which the principles of the parties are utterly irreconcilable together.

With regard to the third of the subjects of difference between Spain and the United States, that remains to be adjusted, the claims of indemnification for injuries, losses, and damages, suffered by American citizens from Spanish authorities and subjects, and within Spanish jurisdiction, I flatter myself, from the tenor of your note, devoted particularly to the consideration of this point, that it is not absolutely unsusceptible of being brought to a favorable issue. You express the willingness of your government to resume the unratified convention of 1802, and to extend its stipulations to the cases of complaint of a similar character to those provided for in it, which have since that time accrued. It is undoubtedly the intention of this government, that its engagements should be reciprocal, and if this was not expressly declared in my note of the 16th of January, it was merely because the President was

not aware that any such claims of Spanish subjects, for indemnities from the American government, were in existence. I am authorized to assure you that there will be no difficulty in including any such as may exist in the convention, and in making the United States answerable for all indemnities which may be justly due to them.

As you have also been impowered to include the cases of injuries and losses of citizens of the United States, in consequence of the suppression by the Spanish intendant of the deposite at New Orleans, as stipulated by the treaty of 27th October, 1795, it cannot be necessary for me to reply to your objections against the admission of those claims. I the more readily pass over that argument, because, as it is merely a repetition of what was urged on the same point by Mr. Cevallos in 1805, it may suffice to refer you, for a full and complete refutation of it, to the letter from Messrs. Pinckney and Monroe to him, of 26th February of that year.

But even upon this branch of the negociation, it is with regret that the President perceives a persevering determination of your government, to exclude, from the consideration of the commissioners for settling indemnities, the cases of American sufferers from French spoliations committed within the jurisdiction of Spain. In answer to your reference to the arguments of Mr. Cevallos on this point, in his notes to Messrs. Pinckney and Monroe, of 10th February, and 5 [4] March, 1805, it will be sufficient for me to refer you to their letters to him of 28th January, 12th and 26th February, 8th March, 9th April, and 12th May, with the statement then made by them of French captures of American vessels carried into the ports of Spain, and the demonstration that no indemnity for any one of those cases had even been demanded by the American government, of France, much less provided for in the conventions between the United States and France, of 1800 and 1803. When you say, that “no reply was made on

the part of the United States, weakening in the least the force of the principles and the truth of the facts, on which the opposition of Spain to a responsibility for those damages and injuries was founded," it is impossible to account for your assertion, but by supposing that you have not been furnished by your government with a copy of the above mentioned statement. I therefore now enclose (E 5.) a copy of it, in which you will find how grossly mistaken, with regard to the facts, are all the allegations in the letter of the French minister of foreign relations to admiral Gravina, of 27th July, 1804, of which you have inserted in your note an entire copy, and of which Mr. Cevallos had already favored Messrs. Pinckney and Monroe with an extract.

It may be proper here to present some obvious remarks upon the frequent appeals to the opinions and assertions of France (under the government of Napoleon) in reference to the controversy between the United States and Spain, which were made by Mr. Cevallos at Aranjuez, in 1805, and which are now repeated by you, with as much confidence as if you considered France, as then governed, the most impartial of umpires, and the most disinterested of friends.

At that time, when these opinions and representations of France were alleged by Mr. Cevallos, they were answered by the American ministers with a firmness which became the representatives of a great and independent nation, and with the sentiment at once of their country's dignity, and of the respect due to the government of France, with which the United States were in amity. With regard to the eastern limits of Louisiana, they observed, that the question depending upon the construction of a treaty, to which the United States were a party, the opinion of France concerning it could be of no more weight, in itself than that of the United States. That, in adopting the phraseology of the treaty of St. Ildephonso, when

France declined substituting a more specific definition of boundaries, the United States could not be supposed to have subjected themselves to the subsequent explanatory restriction by France, of that which she then chose to leave standing upon the force of the terms themselves ; and that the delivery of the province by the commissioner of France to the United States, having been without any such limitation, it was obvious that he had received it alike without limitation.

With respect to the French spoliations within Spanish jurisdiction, while the interest of France was so immediate and direct, as to take from her opinion all right to the consideration due to an impartial arbitrator, it was supposed that the proper view of the subject had not been presented to the emperor ; and the most unequivocal demonstration was given, that no indemnity or satisfaction had been received, or even demanded from France, by the United States, for this description of injuries.

At this day your government must be aware, that the umpirage, and even the opinions of France upon these questions, were liable to other and still more decisive objections. Of the use which France was already making and was further contemplating to make of Spain, of her revenues and possessions, not only in Europe, but in every other quarter of the globe, little needs be said. That she was converting, to purposes of her own, all the resources of Spain, has been since then too signally manifested to the world, to require further elucidation. It was impossible for her to recognize that Spain was bound to indemnify the United States for the spoliations of French cruizers within Spanish jurisdiction, without acknowledging herself the debtor of Spain to the same amount. To call for her testimony, therefore, was to claim her as a witness in her own cause ; to appeal to her decisions was to make her the judge of her own delinquencies. By countenancing Spain in the denial of justice to others, she did but

reserve her as a richer spoil for herself; nor can it be dissembled that the recourse of Spain, on that occasion, was rather to the predominating power than to the justice of France. These observations are made, not with the view of reproaching Spain now, for the compliances with which she then sought and obtained the declarations of France in her favor, upon her controversy with the United States, but to show the solid and irrefragable grounds upon which the United States may refuse all deference for the opinions, and disclaim all credit to the statements of France.

At the time when France had ceded Louisiana to the United States, her good offices with Spain to secure the acquisition of Florida to the United States had been explicitly promised. The letter of Mr. Monroe to Mr. Talleyrand of 8th November, 1804, in reminding him of that engagement, had sufficiently shown, that the government of the United States, in calling upon France for the performance of her promise, had no intention of admitting her to arbitrate upon the extent of the concession which had been made by herself. True it is, that she not only espoused the side of Spain, as considering it her own, but she even stimulated Spain to the denial of justice to the United States. As her motives, if Spain could be doubtful of them then, must be abundantly notorious now, it could scarcely have been expected that Spain should still recur to them, as entitled to the slightest consideration or credit.

There is no principle of the law of nations more firmly established than that which entitles the property of strangers within the jurisdiction of a country in friendship with their own to the protection of its sovereign, by all the efforts in his power. This common rule of intercourse between all civilized nations has, between the United States and Spain, the further and solemn sanction of an express stipulation by treaty. In violation both of the

common usage of nations, and of the express promise of Spain in the treaty, nearly two hundred vessels and their cargoes, belonging to citizens of the United States, were seized, many of them within the territorial limits of Spain, and under the cannon of her fortresses, by French cruizers ; and all of them were condemned within Spanish jurisdiction.

You allege—first, that Spain has, in the cases to which reference is now made, actually carried into effect the obligations contracted by treaty : that she has used all her efforts for the defence and protection of this property. But in what have these efforts consisted ? These were not cases of vessels seized by sudden violence and carried away beyond her jurisdiction, before the officers appointed for the execution of her laws could be apprized of the wrong, and summoned to the performance of their duties. They are not cases of clandestine depredations, eluding the vigilance of the magistrates ; they are cases of friendly merchants and navigators frequenting the ports of Spain upon the faith of treaties, and for purposes of a mutual beneficial intercourse—seized some of them in the very harbours of Spain, by foreign cruizers, dragged on Spanish ground before a foreign consul, and there plundered of their property before the face of all the lawful authorities of Spain ; who neither raise a voice nor lift an arm for their defence. What then have been all the efforts of Spain for the protection of this property, conformably to the treaty ?

You say—secondly, that Spain was not responsible for these depredations, because they were made by a nation with whom the United States were not at war ; and this you say immediately after quoting the words of the sixth article of the treaty, expressly stipulating protection and defence in the ports of Spain to the vessels and other effects of the citizens of the United States, “ whether they

are at war *or not*, with the power whose subjects have taken possession of the said effects."

You observe—thirdly, that France and Spain were then allies, in a war against England, and that Spain *could not prevent* the privateers of her ally from entering her ports. But it is not that the French privateers were allowed to enter the ports of Spain, of which the United States complain; but that they were suffered to make prizes, and the French consuls to condemn them, within the territorial jurisdiction of Spain. You refer to the decision of a subordinate British court of admiralty, that the prizes of a belligerent may be carried into the ports of an ally, and there lawfully condemned; but surely you do not mean to contend, that the decisions of an admiralty court of one nation constitutes the law of nations, or can even be adduced as authority for others. Of this principle at least, there can be no doubt, that an alliance between two nations cannot absolve either of them from the obligations of previous treaties. Now the treaty between Spain and the United States, by which Spain was bound to protect the property of American citizens within her jurisdiction, was concluded before the alliance between Spain and France had been contracted; and the alliance could in no wise impair the rights of the citizens of the United States to the protection of their property, stipulated in their favour by the antecedent engagement of Spain.

Your fourth and last expedient, for relieving Spain from responsibility for these losses and injuries suffered by American citizens upon her territory, is the positive assertion that satisfaction has already been made for them by France; your only voucher for which is the letter of 27th July, 1804, from Mr. Talleyrand to Admiral Gravina. The assertions of that letter I have shewn, by reference to indisputable documents, are utterly without foundation.

Your subsequent offer of the good offices of your govern

ment, near that of the present court of France, to obtain indemnities for American citizens for French depredations committed within Spanish jurisdiction, by virtue of an alliance between Spain and Napoleon, you doubtless did not expect would be accepted. It is to Spain alone, Sir, that the United States still look and will continue to look as they always have looked, for those indemnities for which Spain alone is responsible to them. I am instructed to renew to you the declaration repeatedly made by the minister of the United States to your government, at Aranjuez, in 1805, that no satisfactory arrangement can be made of the differences between the two countries which shall not include the adjustment of these injuries.

Before bringing this reply to your four successive notes to a close, it is necessary to advert to several incidental assertions and remarks, which you have made in relation to the negotiation at Aranjuez, equally destitute of foundation, with the claims and pretensions to which this letter has already replied.

In your note of the 29th December, you affirm, that the negotiation at Aranjuez was "early interrupted;" and in that of 24th January, to confirm the assertion, that, if all the differences between the two countries have not long since been adjusted, it has not depended upon the government of Spain, you say that this is "evident, beyond the possibility of denial, from the official correspondence between his Catholic Majesty's minister of state, and the plenipotentiaries of the American government who *suspended* and *gave up* the negotiation at Aranjuez, after having obstinately refused to accept the modifications, founded on strict justice, which were proposed by the Spanish government."

The negotiation of the special mission of the United States at Aranjuez, in 1805, occupied a period of nearly five months, from the beginning of January, when Mr. Munroe arrived at Madrid, to the 22d of May, when he

took leave of the king, to return to London. In his address to the king on that occasion, he said "on my arrival here, I had the honour to assure your majesty, of the high consideration of my government for your majesty's person and government. I then hoped to have had the honour to conclude the special mission with which I was charged, in conjunction with the minister plenipotentiary near your Majesty, to the advantage and satisfaction of both parties; but being disappointed in this respect, *all our propositions having been rejected and none others ever offered on the part of your Majesty's government, though often invited*, it is my duty to return to my station at London."

This assertion, made to the king of Spain in person, at the close of that mission, was fully warranted by the transactions under it. Every one of the topics, now included in your four notes, as embracing all the subjects of difference between the two countries, were discussed at great length, much in the same manner which you have now insisted upon repeating. The questions of indemnities for spoliations, Spanish and French, and for the suppression of the deposite at New Orleans; of the eastern and of the western boundary of Louisiana; were descanted upon with pertinacity as indefatigable by Don Pedro Cevallos as by yourself. He bestowed as many pages upon the terms *retrocede* and *retrocession* as you have done. He appealed with equal confidence and alacrity to the opinions, and cited with equal complacency the testimonials of the ministers of Napoleon, and reminded Messrs. Monroe and Pinckney, with a satisfaction not inferior to your own, of the "very pointed" manner in which the French minister of foreign relations, Mr. Talleyrand, announcing the sentiments of his imperial majesty, observed, that "*to make known* the rights which France had acquired, was to indicate the *extent* and the *limits* of those which she transmitted to the federal government." To every thing that had the semblance of reason and argument, adduced in the

successive notes of Mr. Cevallos, the American ministers temperately and patiently replied; they unfolded, with a clearness and precision to which nothing can now be added, the claims of the United States, and the facts and principles by which they were supported. They proposed, at the commencement of the negociation, a project of a convention for the adjustment of all the interests in dispute. After all the subjects had been thoroughly discussed, they presented a second project, modified in the most conciliatory spirit of accommodation to Spain. They invited, and reiterated, almost to importunity, the invitation, to a counter project, or proposals on the part of the Spanish government. These unwearied efforts were met by a constant, invariable, inflexible refusal either to accept their proposals, or to make to them any whatsoever in return.

You speak of the *titles, dates, documents* and *arguments* produced on the “part of Spain, at that negociation, incontestably proving, by abundant and irresistible evidence, the rights of the Spanish monarchy to the territory in question.”

If such had been the facts where would be the pretence that the American ministers had prematurely suspended or given up the negociation? But Mr. Cevallos produced no such titles, dates or documents; the only *title* ever alleged by him in support of the pretensions of Spain was the title of *retrocession*, applied to the treaty of St. Ildephonso; the only date was that of 1690, which he assigned as the period of the first Spanish settlement of Texas, which date was five years later than the settlement of La Salle, at the head of the Bay of St. Bernard; and the only documents were the dictatorial and menacing testimonials of the French minister of foreign relations. That all the titles, dates and documents, then referred to, were insufficient in the estimation of your own government to establish the rights which you have claimed, is manifest from the efforts which you have made to bring

forward others, and from the characters of those to which you have resorted, an unknown, and as it is believed, imaginary, treaty of 1764, and a royal exterminating order of Philip the Second.

You perceive, sir, that the government of the United States is not prepared either to renounce any of the claims which it has been so long urging upon the justice of Spain, or to acquiesce in any of those arguments which appear to you so luminous and irresistible.

Determined to pursue the establishment of their rights, as long as by any possibility they can be pursued, through the paths of *peace*, they have acquiesced, as the message of the President, at the commencement of the present session of Congress, has informed you, in that policy of Spain, which has hitherto procrastinated the amicable adjustment of these interests, not from an insensibility to their importance to this Union, nor from any indifference to the object of being upon terms of cordial harmony with Spain, but because peace is among the dearest and most earnest objects of their policy; and because they have considered, and still consider it, more congenial to the principles of humanity, and to the permanent welfare of both nations, to wait for the favorable operation of time upon the prejudices and passions opposed to them, than to resort to the unnecessary agency of force. After a lapse of thirteen years of patient forbearance, in waiting for the moment when Spain should find it expedient to meet their constant desire of bringing to a happy and harmonious termination all the conflicting interests between them, it will need little additional effort to wait somewhat longer with the same expectation. The President deems this course even more adviseable than that of referring the questions depending between the two nations, to the arbitrament or mediation of one or more friendly European powers, as you have been authorized to propose. The statement in your note of the 10th of Feb-

ruary, in reference to this subject, is not altogether correct. It is not the British government which, on this occasion, has offered; but your government which, without first consulting or asking the concurrence of the United States, has requested the mediation of Great Britain. The British government, as must be well known to you, have declined the offer of their mediation, unless it should be requested by both parties; and have communicated to the government of the United States this overture on the part of Spain. The President has thought proper, from motives which he has no doubt will be deemed satisfactory both to Great Britain and Spain, to decline uniting in this request. He is, indeed, fully persuaded that, notwithstanding any prepossessions which the British government may heretofore have entertained with regard to any of the points in controversy, they would have been entirely discarded in assuming the office of a mediator. But it has hitherto been the policy, both of Europe and of the United States, to keep aloof from the general federative system of each other. The European States are combined together, and connected with one another, by a multitude of important interests and relations, with which the United States have no concern—with which they have always manifested the determination not to interfere, and of which no communication being made to them by the governments of Europe, they have not information competent to enable them to estimate their extent and bearings. The United States, in justice to themselves—in justice to that harmony which they earnestly desire to cultivate with all the powers of Europe—in justice to that fundamental system of policy which forbids them from entering the labyrinth of European politics, must decline soliciting or acceding to the interference of any other government of Europe, for the settlement of their differences with Spain.

But, however discouraging the tenor and character of

your recent notes has been to the hopes, which the promises and professions of your government had excited, that the time for adjustment of these differences with Spain had at length arrived, the United States will not abandon the expectation, that more correct views of the subject will ultimately be suggested to your government, and they will always be disposed to meet them in the spirit of justice and of amity. With regard to those parts of the province of Louisiana, which have been incorporated within the state of that name, it is time that the discussion should cease. Forming part of the territory of a sovereign and independent state of the Union, to dispose of them is not within the competency of the United States, nor will the discussion be hereafter continued. But if you have proposals to make, to which it is possible for the government of the United States to listen, with a prospect of bringing them to any practicable conclusion, I am authorized to receive them, and to conclude with you a treaty for the adjustment of all the differences between the two nations, upon terms which may be satisfactory to both.

With regard to the motives for the occupation of Amelia Island, the messages from the President of the United States to Congress, and my letter to you of 16th January, have given the explanations, which, it is presumed, will be satisfactory to your government. The exposed and feeble situation of that island, as well as of the remainder of East Florida, with their local position in the neighbourhood of the United States, have always been among the primary inducements of the United States for urging to Spain the expediency, to the interests of both nations, that Spain should cede them for a just and suitable equivalent to the United States. In the letter of the 28th of January, 1805, from Messrs. Pinckney and Monroe, to Mr. Cevallos, the following passage stands prominent among the arguments used by them to that effect: "Should

Spain," say they, "not place a strong force in Florida, it will not escape your Excellency's attention, that it will be much exposed to the danger of being taken possession of by some other power, who might wish to hold it with very different views towards Spain, than those which animate the government of the United States. Without a strong force being there, it might even become an asylum for adventurers and freebooters, to the great annoyance of both nations."

You know, Sir, how far the events thus anticipated and pointed out so early as in January, 1805, to the prudent forecast of Spain, have been realized. Pensacola has been occupied by another power, for the purpose of carrying on war from it against the United States, and Amelia Island has been occupied by adventurers, to the great annoyance of both nations, and of all others engaged in lawful commerce upon the Gulph of Mexico. Before these events occurred, the Congress of the United States, aware of the great and growing danger of them, which had been so long before distinctly foreseen, had made it the duty of the executive government, in the case of such a contingency, to take the temporary possession of the country, which might be necessary to avert the injuries that must result from it. Amelia Island was taken, not from the possession of Spain, but of those from whom she had been equally incapable of keeping or of recovering its possession, and who were using it for purposes incompatible with the laws of nations and of the United States. No purpose, either of taking or of retaining it as a conquest, has ever been entertained; and unless ceded by Spain to the United States, it will be restored whenever the danger of its being again thus occupied and misused, shall have ceased.

It is needless to add, that the proposal that the United States should take any further measures than those already provided by law for preventing armaments hostile to

Spain within the territories of the United States, is inadmissible. The measures already taken, and the laws already existing against all hostile armaments within our jurisdiction, incompatible with the obligations of neutrality, are sufficient for its preservation; and the necessary means will continue to be used, as they have been, to carry them faithfully into execution.

I have the honour to be, with great consideration, Sir,
your obedient and very humble servant,

JOHN QUINCY ADAMS.

A. 1.

Don Martin D'Alarconne, to M. de la Harpe.

Trinity River, May 20th, 1719.

MONSIEUR,

I am very sensible of the politeness that M. de Bienville and yourself have had the goodness to show to me. The orders I have received from the king, my master, are to maintain a good understanding with the French of Louisiana; my own inclinations lead me equally to afford them all the services that depend upon me. But I am compelled to say, that your arrival at the Nasonite village surprises me very much.

Your governor could not be ignorant that the post you occupy belongs to my government, and that all the lands west of the Nassonites depend upon New Mexico.

I counsel you to give advice of this to M. Bienville, or you will force me to oblige you to abandon lands, that the French have no right to occupy.

I have the honour to be, Sir,

D'ALARCONNE.

B. 2.

Nassonite, 8th July, 1719.

MONSIEUR,

The order from his Catholic Majesty to obtain a good understanding with the French of Louisiana, and the kind intentions you have yourself expressed towards them, accord but little with your proceedings. Permit me to inform you, that M. de Bienville is perfectly informed of the limits of this government, and is very certain that the post of Nassonite depends not upon the dominions of his Catholic Majesty. He knows also that the province of Lastekas, of which you say you are governor, is a part of Louisiana. M. de la Salle took possession in 1685, in the name of his most Christian Majesty ; and, since the above epoch, possession has been renewed from time to time.

“ Respecting the post of Nassonite, I cannot comprehend by what right you pretend that it forms a part of New Mexico. I beg leave to represent to you that Don Antoine du Miroir, who discovered New Mexico in 1684, never penetrated east of that province or the Rio Bravo. It was the French who first made alliances with the savage tribes in this region ; and it is natural to conclude, that a river that flows into the Mississippi, and the lands it waters, belongs to the king, my master.

“ If you will do me the pleasure to come into this quarter, I will convince you I hold a post I know how to defend.

“ I have the honour to be, Sir,

D E LA HARPE.”

C. 3.

On the 10th of August, 1721, M. de la Harpe received the following order :

“ WE, John Baptiste de Bienville, Chevalier of the military order of St. Louis, and commandant general for the king, in the province of Louisiana.

“ It is hereby decreed, that M. de la Harpe, commandant of the Bay of St. Bernard, shall embark in the packet of the Subtile, commanded by Beranger, with a detachment of twenty soldiers, under M. de la Belile, and shall proceed forthwith to the Bay of St. Bernard, belonging to this province, and take possession, in the name of the king, and the west company shall plant the arms of the king in the ground, and build a fort upon whatever spot appears most advantageous for the defence of the place.

“ If the Spaniards, or any other nation, have taken possession, M. de la Harpe will signify to them, that they have no right to the country, it being well known, that possession was taken in 1685, by de la Salle, in the name of the king of France, &c.

“ BIENVILLE.”

D. 4.

Extracts, translated from the “ Diccionario Geografico Historico de las Indias Occidentales O America,” by Colonel Don Antonio de Alcedo, Captain of the Royal Spanish Guards, printed at Madrid, in 1786—1789, by permission of government, and dedicated to the Prince of Asturias, afterwards Charles the Fourth.

“*Louisiana*,” a province and government of North America, one of the two which form New France, bounded on the south by the Gulph of Mexico ; on the north, by the

river Illinois and the Indian tribes of the Pamasus, Paoducas, Osages, Tronontes, Tecagas, Chavanons, and others : on the east by West Florida, Georgia, and Carolina : and on the west by New Mexico and New Spain. Its extent from north to south, is about fifteen degrees ; that is to say, from the 25th to the 40th degree of North latitude, and from east to west ten or eleven degrees between 86 and 96 west longitude : its limits, however, not being precisely fixed, M. De Lisle gives it a much greater extent, particularly towards the north, where it borders on Canada, and, according to him, it is afterwards bounded by New York, Pennsylvania, Virginia, &c. and to the west, by the river Bravo and Salado."

"*Missouri*," an Indian tribe of the province and government of Louisiana inhabiting the banks of the river of the same name, on which a fort was built by the French for the defence of that establishment."

Natchoitoches, or *Natchetoches*, as pronounced by some, a tribe of Indians of the province and government of Louisiana in North America, living fifty leagues up the Red River, by which name they are sometimes called. This tribe has always been friendly to the French, and hostile to the Spaniards ; is very numerous, and has upwards of two hundred cabins. The French soldiers who had completed their time of service, settled in an island in the Red river, where they built a fort and called it Natchitoches ; but, having planted tobacco, and discovered that the sand blown on it by the wind gave it a bad quality, they removed their settlement to the main land, where they succeeded in cultivating that plant, so as to give it a particular estimation : it is sixty leagues from New Orleans."

"*Rouge*," Red River, a large and rapid river of the province and government of Louisiana, in North America ; takes its rise about the tribe of the Carnesis, runs south-east, and, after receiving other streams, changes its

course to the south as far as the tribe and fort of Natchitochez, where it again turns to the south-east, forms several lakes and islands, thence running eastward, joins the Mississippi much increased, near where the river empties into the sea.

E 5.

Extract from a paper communicated by Messrs. Pinckney and Monroe, to Mr. Cevallos, dated

Aranjuez, 12th May, 1805.

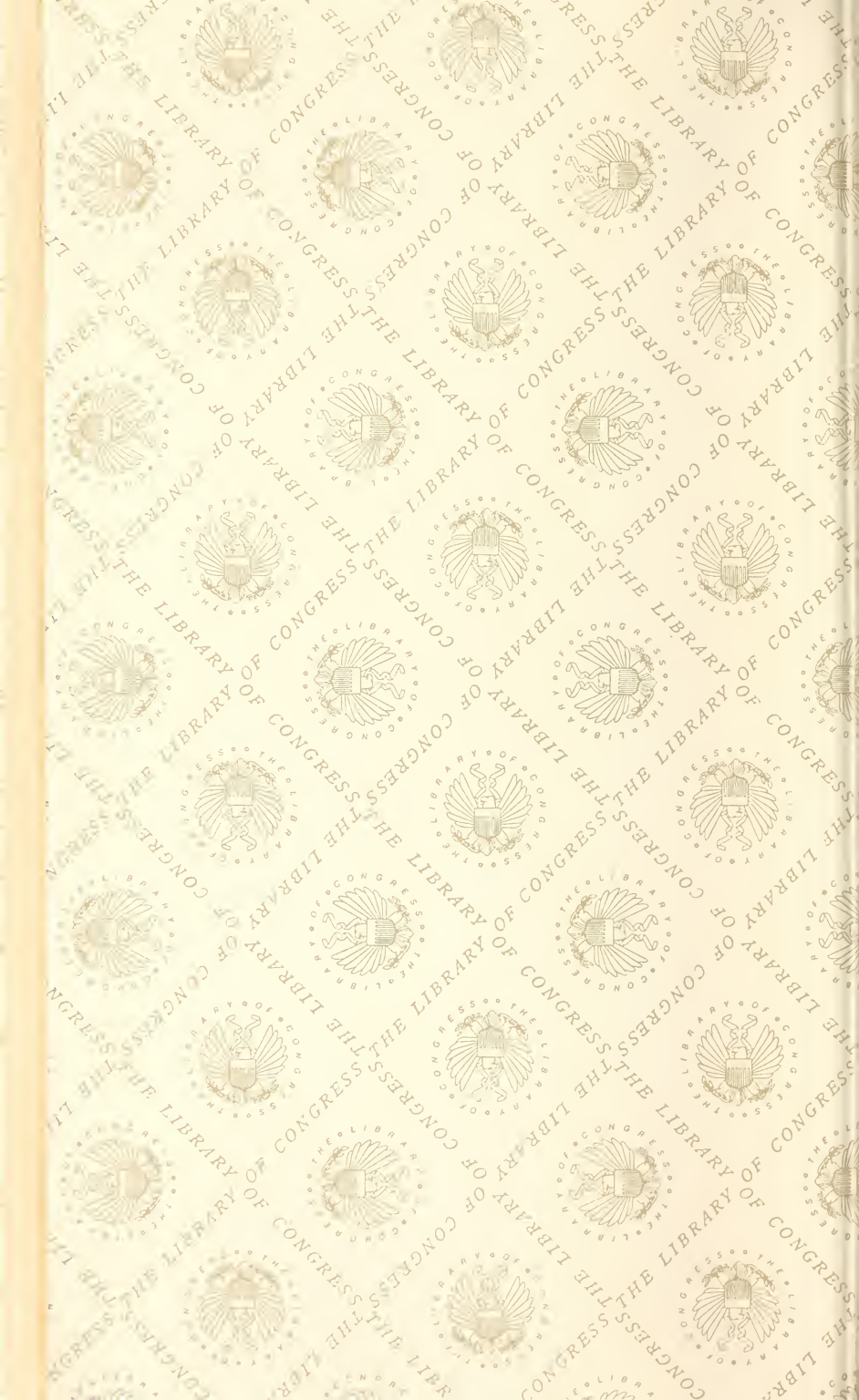
“From the 1st October, 1796, until the ——— there were brought into the ports of his Catholic Majesty in Europe and Africa, by the French, 168 vessels.”

Of the above have been condemned	74
Acquitted, ransomed, or compromised	23
Cases of violation of the Spanish territory	13
Run ashore and lost	1
Unaccounted for.....	7
Result not known	50

Total 168

THE END.

X-178





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